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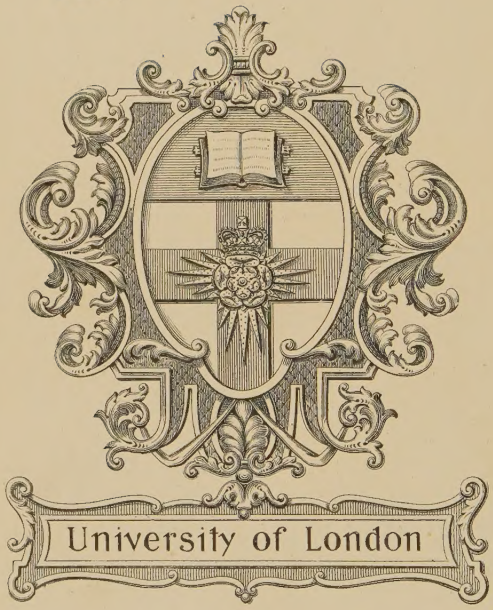

REPORTS

FROM

COMMITTEES:

THIRTEEN VOLUMES.

—(10.)—

OUTRAGES (IRELAND).

Session

3 *February* —— 1 *July* 1852.

VOL. XIV.

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REPORTS FROM COMMITTEES:

1852.

THIRTEEN VOLUMES:—CONTENTS OF THE

TENTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

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OUTRAGES (IRELAND):

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REPORT

FROM THE

SELECT COMMITTEE

ON

OUTRAGES (IRELAND);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

THE REFORM LIBRARY

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1852.

Martis, 16° *die Martii*, 1852.

Ordered, That a Select Committee be appointed to inquire into the State of those Parts of the Counties of Armagh, Monaghan, and Louth, which are referred to in Her Majesty's Speech; into the immediate cause of Crime and Outrage in those Districts; and into the efficiency of the Laws, and of their Administration, for the Suppression of such Crime and Outrage.

Veneris, 19° *die Martii*, 1852.

Committee nominated, of—

Mr. Attorney-General for Ireland.
Sir James Graham.
Sir John Young.
Sir William Somerville.
Sir James Emerson Tennent.
Mr. Baines.
Mr. Henry Drummond.
Mr. Leslie.
Mr. Fortescue.
Mr. Caulfield.
Mr. Hatchell.
Mr. Bright.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 26° *die Martii*, 1852.

Ordered, That the Committee do consist of Sixteen Members.

Ordered, That Mr. O'Flaherty, Mr. Scully, Mr. Goold, and Mr. Solicitor-General for Ireland, be added to the Committee.

Lunæ, 29° *die Martii*, 1852.

Ordered, That the Committee do consist of Eighteen Members.

Ordered, That Lord Naas and Mr. Keogh be added to the Committee.

Veneris, 4° *die Maii*, 1852.

Ordered, That the Committee have power to Report their Opinion, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the State of those Parts of the COUNTIES of *Armagh*, *Monaghan*, and *Louth*, which are referred to in Her MAJESTY'S SPEECH, into the immediate Cause of CRIME and OUTRAGE in those Districts, and into the Efficiency of the LAWS, and of their Administration for the Suppression of such Crime and Outrage; and who were empowered to Report their Opinion, and the EVIDENCE taken before them to The House;—HAVE considered the Matters to them referred, and agreed to the following RESOLUTIONS:

THAT the Act of the 2 & 3 Vict. c. 74, as amended by the 11 & 12 Vict. c. 89, but without the amendment made by the Act of 8 & 9 Vict. c. 55, be re-enacted, so as to restore the clause repealed by the latter Act in 1845; but so that it shall only apply to a case where any number of persons, amounting to three or more, shall meet and assemble together, and shall knowingly have in their possession any copy, written or printed, of any such password or passwords, or other secret mode of communication, or of any oath, engagement, test, or declaration made use of, or purporting to be made use of, by any such society, or by any division of any society declared to be unlawful by the said Act passed in the fourth year of the reign of his late Majesty King George the Fourth, and shall not be able satisfactorily to account for the same, who shall be deemed guilty of an unlawful combination and confederacy, and shall be liable to such and the like penalties, proceedings and punishment as if they were guilty of an unlawful combination or confederacy under the provisions of the said last-mentioned Act.

2. That the jurors' book be made up from a list of the names of all persons rated under the Poor Law valuation, to the amount of not less than *l.*, to be furnished to the clerk of the peace, or other responsible officer, by the clerk of the union in which the rated property is situate.

3. That there shall be but one panel of jurors to try issues, criminal and civil, at each assizes, in addition to any special jury which may be lawfully summoned, and that measures shall be adopted to secure strict impartiality in the construction of the jury panel.

4. That the Court of Queen's Bench shall be empowered, on a special application, in any case of an indictment for murder or murderous assault, connected with unlawful confederacy, producing intimidation or undue influence in any county, to order the trial to be had in such other county as may appear more adapted to secure a fair and impartial trial, but under such terms and conditions as may be considered reasonable and just.

5. That in the bonds to be entered into on taking out publicans' licences, it be made a part of the condition that the party licensed will not knowingly permit any unlawful society to meet in his house or premises.

6. That the attention of the Legislature be directed to an early consideration of the laws which regulate the relation of Landlord and Tenant in Ireland, with a view to their consolidation and amendment; and especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements and otherwise place the relation on a more satisfactory basis.

4 *June* 1852.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 22° *die Martii*, 1852.

MEMBERS PRESENT:

Mr. Attorney-General (Ireland).	Mr. Hatchell.
Sir James Graham.	Mr. Leslie.
Sir John Young.	Mr. Fortescue.
Mr. Bright.	Mr. Henry Drummond.

Motion made and question proposed, "That Mr. Attorney-General (Ireland) do take the Chair." (Sir *J. Graham*).

Question put and agreed to.

Committee deliberated on the course of proceeding.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 26° *die Martii*, 1852.

MEMBERS PRESENT:

Mr. Attorney-General (Ireland) in the Chair.

Mr. Hatchell.	Mr. Henry Drummond.
Sir J. E. Tennent.	Sir John Young
Mr. Caulfield.	Sir Wm. Somerville
Mr. Leslie.	Mr. Fortescue.

Captain *Warburton* examined.

[Adjourned to Tuesday, at Twelve o'clock.

Martis, 30° *die Martii*, 1852.

MEMBERS PRESENT:

Mr. Attorney-General (Ireland) in the Chair.

Sir J. Graham.	Mr. Hatchell.
Sir John Young.	Mr. Bright.
Sir W. Somerville.	Mr. Scully.
Sir J. E. Tennent.	Mr. Goold.
Mr. Baines.	Lord Naas.
Mr. Henry Drummond.	Mr. Solicitor-General.
Mr. Leslie.	Mr. Caulfield.
Mr. Fortescue.	

Captain *Fitzmaurice* examined.

Mr. *Edward Golding* examined.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 2° *die Aprilis*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Hatchell.	Mr. Goold.
Mr. Caulfield.	Mr. Solicitor-General (Ireland).
Mr. Baines.	Lord Naas.
Mr. O'Flaherty.	Sir Wm. Somerville.
Mr. Scully.	Mr. Fortescue.
Mr. Keogh.	Sir John Young.
Mr. Bright.	Mr. Leslie.
Mr. H. Drummond.	Sir James Graham.

Mr. *Ed. Golding* examined.

Henry John Brownrigg examined.

[Adjourned to Friday, 23d April, at Twelve.

Veneris, 23° *die Aprilis*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. O'Flaherty.	Sir J. E. Tennent.
Mr. Scully.	Lord Naas.
Mr. Keogh.	Mr. Caulfield.
Mr. H. Drummond.	Sir Wm. Somerville.

Committee deliberated.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 26° *die Aprilis*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. O'Flaherty.	Mr. Caulfield.
Mr. Keogh.	Mr. Fortescue.
Mr. Whiteside.	Mr. H. Drummond.
Mr. Bright.	

Committee deliberated.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 29° *die Aprilis*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General (Ireland).	Mr. O'Flaherty.
Mr. Henry Drummond.	Mr. Keogh.
Mr. Scully.	Sir W. Somerville.
Mr. Hatchell.	Mr. Caulfield.
Mr. Bright.	Mr. Goold.
Lord Naas.	Mr. Leslie.

Major *Brownrigg* examined.

Mr. *Maxwell Hamilton* examined.

The Chairman left the Chair.

Mr. Hatchell called to the Chair.

Mr. *Attorney-General* (Ireland), a Member of the Committee, examined.

Motion made and question put, "That the Rev. Mr. Browne, the Rev. Mr. Rogers of Comber, and the Rev. Mr. Bell of Ballybay be summoned to give evidence." (Mr. *Keogh*). Committee divided:

Ayes, 4.	Noes, 6.
Mr. Keogh.	Mr. Solicitor-General.
Mr. O'Flaherty.	Mr. Hatchell.
Mr. Scully.	Mr. Caulfield.
Mr. Drummond.	Mr. Leslie.
	Sir W. Somerville.
	Lord Naas.

Motion made and question proposed, "That the Rev. Mr. Browne be now summoned." (Mr. *Scully*). Whereupon motion made and question put, "That the Committee do now adjourn." (Lord *Naas*.) Committee divided:

Ayes, 6.	Noes, 3.
Lord Naas.	Mr. O'Flaherty.
Mr. Solicitor-General.	Mr. Keogh.
Mr. Hatchell.	Mr. Scully.
Mr. Caulfield.	
Mr. Leslie.	
Sir W. Somerville.	

[Adjourned to To-morrow, at Twelve o'clock.

Veneris, 30° *die Aprilis*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General (Ireland.)
Mr. Hatchell.
Lord Naas.
Mr. Leslie.
Mr. O'Flaherty.
Mr. H. Drummond.
Mr. Scully.
Mr. Baines.
Sir J. E. Tennent.
Sir W. Somerville.
Mr. Goold.
Mr. Bright.
Mr. Keogh.
Mr. Fortescue.
Mr. Caulfield.

Major *Brownrigg* further examined.

[Adjourned to Monday at Half-past Twelve.

Lunæ, 3° *die Maii*, 1852.

MEMBERS PRESENT:

Mr, ATTORNEY-GENERAL (Ireland) IN THE CHAIR.

Mr. Solicitor-General.
Mr. H. Drummond.
Sir W. Somerville,
Mr. Fortescue.
Mr. O'Flaherty.
Mr. Keogh.
Mr. Baines,
Mr. Scully.
Mr. Bright.
Lord Naas.
Sir J. E. Tennent,
Mr. Goold.
Mr. Caulfield,
Mr. Leslie.
Mr. Hatchell.

Mr. *Major* examined.

[Adjourned to Twelve To-morrow.

Martis, 4° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) IN THE CHAIR.

Mr. Solicitor-General (Ireland.)
Mr. Baines.
Sir. W. Somerville,
Mr, H. Drummond.
Mr. O'Flaherty.
Mr. Scully.
Lord Naas.
Sir J. E. Tennent.
Mr. Goold.
Mr. Hatchell,
Mr. Leslie.
Mr, Keogh,
Mr. Fortescue.
Sir John Young,
Mr. Bright.

Mr. *Major* further examined.

Rev. *James M'Meel*, P.P. examined.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 7° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General (Ireland).
Mr. H. Drummond.
Mr. Scully.
Sir W. Somerville.
Mr. Goold.
Mr. Keogh,
Mr. Hatchell.
Lord Naas.
Mr. Bright.
Mr. Caulfield.
Mr. Leslie.
Mr. O'Flaherty.
Mr. Fortescue.
Sir John Young.

Mr. *Major* further examined.

Rev. *Michael Lennon*, P. P., examined.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 10° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General (Ireland).
Sir W. Somerville.
Lord Naas.
Mr. Baines.
Mr. H. Drummond.
Mr. Scully.
Mr. O'Flaherty.
Mr. Keogh.
Mr. Leslie.
Mr. Goold.
Mr. Hatchell.
Sir J. Young.
Mr. Fortescue.
Mr. Caulfield.
Mr. Bright.

Rev. *Michael Lennon*, P. P., further examined.

Mr. *Burton Brabazon* examined.

[Adjourned to To-morrow, at Twelve.

Martis, 11° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General (Ireland).
Mr. Bright.
Mr. Scully.
Mr. Goold.
Lord Naas.
Mr. Caulfield.
Mr. H. Drummond.
Mr. Fortescue.
Mr. Keogh.
Mr. Hatchell.
Mr. Leslie.
Mr. O'Flaherty.
Sir J. Young.

Mr. *W. Kirk* examined.

[Adjourned to Friday, at Twelve.

Veneris, 14° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Bright.	Sir John Young.
Mr. Fortescue.	Mr. Caulfield.
Mr. Scully.	Mr. Hatchell.
Mr. H. Drummond.	Mr. Goold.
Mr. Solicitor-General (Ireland).	Lord Naas.
Sir W. Somerville.	Mr. O'Flaherty.

Sir *Matthew Barrington* examined.

Mr. *O'Callaghan* examined.

During the examination of the witness, on the motion of Mr. *Bright*, the room was cleared.

Motion made and question proposed, "That the answer given by the witness to the following question put by Mr. Scully: 'Do you know that of your own knowledge?' be struck out." (Mr. *Bright*). Amendment proposed, "To leave out from the word 'That' to the end of the question, and to insert, 'The answer stand part of the evidence, and that the Rev. Archdeacon Fitzgerald be now summoned to attend the Committee.'" (Mr. *O'Flaherty*). Question put, "That the words proposed to be left out stand part of the question." Committee divided:

Ayes, 7.	Noes, 4.
Mr. Caulfield.	Mr. Scully.
Mr. Solicitor-General.	Mr. O'Flaherty.
Lord Naas.	Mr. Goold.
Mr. Bright.	Mr. Hatchell.
Mr. Fortescue.	
Sir W. Somerville.	
Sir J. Young.	

Main question put and agreed to.

Motion made and question proposed, "That Archdeacon Fitzgerald be summoned to give evidence before this Committee." (Mr. *O'Flaherty*.)

Question put and negatived.

Witness re-called, and examination proceeded with.

[Adjourned to Tuesday, at Twelve.

Martis, 18° *die Maii*, 1852.

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. H. Drummond.	Mr. Scully.
Mr. Solicitor-General (Ireland).	Mr. Bright.
Sir John Young.	Mr. Fortescue.
Mr. O'Flaherty.	Mr. Goold.
Mr. Caulfield.	Lord Naas.
Mr. Hatchell.	Mr. Leslie.

Mr. *O'Callaghan* further examined.
Rev. Mr. *Lennon* examined.
Mr. *O'Callaghan* and Mr. *Lennon* examined conjointly, with reference to conflicting statements.
Rev. *Daniel Gun Brown* examined.

[Adjourned to Friday, at Twelve.

Veneris, 21 *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General.	Sir. J. Graham.
Mr. Drummond.	Mr. Caulfield.
Mr. Scully.	Mr. Fortescue.
Sir John Young.	Mr. Leslie.
Mr. Hatchell.	Mr. Bright.
Mr. O'Flaherty.	Sir J. E. Tennent.
Lord Naas.	Mr. Keogh.
Mr. Goold.	

Committee deliberated.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 28° *die Maii*, 1852.

MEMBERS PRESENT:

Mr. ATTORNEY-GENERAL (Ireland) in the Chair.

Mr. Solicitor-General.	Lord Naas.
Mr. H. Drummond.	Mr. Keogh.
Mr. Bright.	Mr. Goold.
Mr. Hatchell.	Mr. O'Flaherty.
Mr. Scully.	Sir John Young.
Sir J. Graham.	Sir J. E. Tennent.
Mr. C. Fortescue.	

Resolutions proposed by the Chairman read 1° as follows:—

"1. That the 11 & 12 Vict. c. 2 (already continued by the 13 & 14 Vict. c. 106), be further continued for another year, and to the end of the then next Session of Parliament. (*See* Kirk, 4657–9.)

"2. That the Whiteboy Acts be amended and consolidated, as recommended by Sir M. Barrington. (4805. 4871.)

"3. That the Act of the 2 & 3 Vict. c. 74, as amended by the 11 & 12 Vict. c. 89, but without the amendment made by the Act of 8 & 9 Vict. c. 55, be re-enacted, so as to restore the clause repealed by the latter Act in 1845.

"4. That the jurors' book be made up from a list of persons rated under the Poor Law valuation, to be furnished to the clerk of the peace

peace, or other responsible officer, by the clerk of the union in which the rated property is situate.

"5. That there shall be but one panel of jurors to try issues, criminal and civil, at each assizes, in addition to any special jury which may be lawfully summoned.

"6. That the Court of Queen's Bench shall be empowered, on a special application, in any case of a trial for murder or murderous assault, connected with unlawful confederacy producing intimidation or undue influence, to order the trial to be had in such other county as may appear more adapted to secure a fair and impartial trial, but under such terms and conditions as may be considered reasonable and just.

"7. That in the bonds to be entered into on taking out publicans' licenses, it be made a part of the condition that the party licensed will not knowingly permit any unlawful society to meet in his house or premises.

"8. That in the appointment of stipendiary magistrates, as well as in their location, a due regard be had to the great importance of selecting men of intelligence and fitness, and of securing an efficient discharge of duty by a competent officer; and that the general course of criminal procedure be made efficient, by every arrangement within the power of the Executive Government.

"9. That the attention of the Legislature be directed to an early consideration of the laws which regulate the relation of landlord and tenant in Ireland, with a view to their consolidation and amendment; and especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements made in the course of good husbandry, and otherwise place the relation on a more satisfactory basis."

First. Proposed Resolution again read, "That the 11 & 12 Vict. c. 2 (already continued by the 13 and 14 Vict. c. 106), be further continued for another year, and to the end of the then next Session of Parliament," (see Kirk, 4657–9)—and withdrawn.

2d. Proposed Resolution again read, "That the Whiteboy Acts be amended and consolidated, as recommended by Sir M. Barrington," (4805. 4871)—and withdrawn.

3rd. Proposed Resolution again read as follows: "That the Act of the 2 & 3 Vict. c. 74, as amended by the 11 & 12 Vict. c. 89, but without the amendment made by the Act of 8 & 9 Vict. c. 55, be re-enacted, so as to restore the clause repealed by the latter Act in 1845."

Amendment proposed, at the end of the proposed resolution to add these words; "but so that it shall only apply to a case where any number of person, amounting to three or more, shall meet and assemble together, and shall knowingly have in their possession any copy, written or printed, of any such password or passwords, or other secret mode of communication, or of any oath, engagement, test, or declaration made use of, or purporting to be made use of, by any such society,

society, or by any division of any society, declared to be unlawful by the said Act passed in the fourth year of the reign of his late Majesty King George the Fourth, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful combination and confederacy, and shall be liable to such and the like penalties, proceedings, and punishment as if he were guilty of an unlawful combination or confederacy under the provisions of the said just-mentioned Act." (Mr. *Hatchell.*) Question put, "That these words be there added." Committee divided:

Ayes, 10.	Noes, 3.
Mr. Drummond.	Mr. Solicitor General (Ireland.)
Mr. Bright.	Lord Naas.
Mr. Hatchell.	Sir J. E. Tennent.
Mr. Scully.	
Sir J. Graham.	
Mr. Fortescue.	
Mr. Keogh.	
Mr. Goold.	
Mr. O'Flaherty.	
Sir J. Young.	

Words added.

Question, "That the proposed Resolution, as amended, be agreed to,"—put, and agreed to.

4th. Proposed Resolution read, and amended, as follows:—"That the jurors' book be made up from a list of the names of all persons rated under the Poor Law valuation to the amount of not less than ( )*l.* to be furnished to the clerk of the peace, or other responsible officer, by the clerk of the union in which the rated property is situate,"—and agreed to.

5th. Proposed Resolution, "That there shall be but one panel of jurors to try issues, criminal and civil, at each assizes, in addition to any special jury which may be lawfully summoned," read.

Amendment proposed, at the end of the proposed Resolution to add the words: "And that measures shall be adopted to secure strict impartiality in the selection of the jury panel." (Mr. *Keogh.*)

[Adjourned to Friday, at Twelve.

Veneris, 4° *die Junii*, 1852.

MEMBERS PRESENT:

Mr. Attorney-General (Ireland) in the Chair.

Mr. Solicitor General (Ireland.)	Mr. Caulfield.
Sir J. Graham.	Sir John Young.
Mr. H. Drummond.	Lord Nass.
Mr. Scully.	Mr. Fortescue.
Mr. Keogh.	Mr. Goold.
Sir W. Somerville.	Mr. Leslie.
Sir J. E. Tennent.	

Question,

Question, "That the words, 'And that measures shall be adopted to secure strict impartiality in the selection of the jury panel,' be added to the fifth proposed Resolution,"—put, and agreed to.

5th. Proposed Resolution as amended, read, and agreed to.

6th. Proposed Resolution read: "That the Court of Queen's Bench shall be empowered, on a special application, in any case of a trial for murder or murderous assault, connected with unlawful confederacy producing intimidation or undue influence, to order the trial to be had in such other county as may appear more adapted to secure a fair and impartial trial, but under such terms and conditions as may be considered reasonable and just." Question put, "That this proposed Resolution be agreed to." The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Solicitor-General.	Mr. Scully.
Lord Nass.	Sir J. Young.
Mr. Caulfield.	Mr. Goold.
Mr. Fortescue.	Sir J. Graham.
Mr. Leslie.	Mr. Keogh.
Sir J. E. Tennent.	Sir W. Somerville.

The Chairman declared himself with the Ayes.

7th. Proposed Resolution read: "That in the bonds to be entered into on taking out publicans' licences, it be made a part of the condition that the party licensed will not knowingly permit any unlawful society to meet in his house or premises." Amendment proposed, "To leave out from the word 'That,' to the end of the proposed Resolution, and to add the words, 'there is no sufficient evidence before this Committee to justify the proposal (made by the Attorney-General) to impose further conditions upon the granting of publicans' licenses.'" (Mr. *Keogh.*) Question put, "That the words proposed to be left out stand part of the proposed Resolution." Committee divided:

Ayes, 10.	Noes, 3.
Mr. Solicitor-General.	Mr. Scully.
Mr. Drummond.	Mr. Bright.
Sir J. Young.	Mr. Keogh.
Lord Nass.	
Mr. Goold.	
Mr. Caulfield.	
Mr. Fortescue.	
Mr. Leslie.	
Sir J. E. Tennent.	
Sir W. Somerville.	

Another Amendment proposed, at the end of the Resolution, to add: "Whether composed of Ribbonmen or Orangemen." (Mr. *Keogh.*)

Keogh.) Question put, "That these words be there added." Committee divided:

Ayes, 2.	Noes, 9.
Mr. Scully.	Mr. Solicitor-General (Ireland)
Mr. Keogh.	Mr. Drummond.
	Sir J. Young.
	Lord Naas.
	Mr. Caulfield.
	Mr. Leslie.
	Mr. Bright.
	Sir J. E. Tennant.
	Sir W. Somerville.

Question put, "That the proposed 7th Resolution be agreed to." Committee divided:

Ayes 8.	Noes 3.
Mr. Solicitor-General.	Mr. Scully.
Sir W. Somerville.	Mr. Bright.
Mr. Drummond.	Mr. Keogh.
Sir J. Young.	
Lord Naas.	
Mr. Caulfield.	
Mr. Leslie.	
Sir J. E. Tennant.	

8th. Proposed Resolution, "That in the appointment of stipendiary magistrates, as well as in their location, a due regard be had to the great importance of selecting men of intelligence and fitness, and of securing an efficient discharge of duty by a competent officer; and that the general course of criminal procedure be made efficient, by every arrangement within the power of the Executive Government," read,—and withdrawn.

9th. Proposed Resolution, "That the attention of the Legislature be directed to an early consideration of the laws which regulate the relation of landlord and tenant in Ireland, with a view to their consolidation and amendment; and especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements, and otherwise place the relation on a more satisfactory basis." Amendment proposed, "To leave out from the word 'Ireland' to the end of the proposed Resolution.'" (Sir *W. Somerville*). Question, "That the words proposed to be left out stand part of the proposed Resolution,"—put, and agreed to.

Proposed 9th Resolution again read, and agreed to.

Resolved, That these Resolutions be reported to The House.

Resolved, That the Evidence taken before the Committee be reported to The House.

To Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	By what Member of Committee Motion made for Attendance of the Witness.	Date of Arrival.	Date of Discharge.	Total Number of Days in London.	Number of Days under Examination by Committee, or acting specially under their Orders.	Expenses of Journey to London and back.	Expenses in London.	TOTAL Expenses allowed to Witness.
							£. s. d.	£. s. d.	£. s. d.
Capt. Warburton	Stipendiary Magistrate.	Chairman	25 Mar.	30 March	8	8	8 – –	8 8 –	16 8 –
Mr. Edw. Golding	Magistrate	Ditto	29 „	5 April	9	9	7 11 –	9 9 –	17 – –
Capt. Fitzmaurice	Ditto	Ditto	30 „	2 „	3	3	8 – –	3 3 –	11 3 –
Rev. Jas. M'Meel,	P. P.	Mr. Keogh	4 May	10 May	7	7	7 10 –	7 7 –	14 17 –
Mr. Major	Barrister	Chairman	2 „	6 „	5	5	6 – –	15 15 –	21 15 –
Mr. M. Hamilton	– – –	Ditto	28 April	4 „	9	9	6 – –	9 9 –	15 9 –
Rev. M. Lennon	P. P.	– – –	5 May	9 „	5	5	7 – –	10 10 –	17 10 –
Mr. B. Brabazon	Sub-Sheriff, Louth.	Chairman	9 „	13 „	6	6	7 – –	12 12 –	19 12 –
Mr. W. Kirk	Merchant (a Magistrate).	Mr. Caulfield	3 „	11 „	6	6	7 10 –	6 6 –	13 16 –
Rev. D. G. Brown	P. P.	Mr. Scully	14 „	– –	– –	– –	7 15 –	8 8 –	16 3 –
Mr. J. O'Callaghan	Magistrate	– – –	13 „	20 „	8	8	7 10 –	8 8 –	15 18 –
							TOTAL – – – £.		179 11 –

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Veneris, 26° die Martii, 1852.

MEMBERS PRESENT.

Mr. H. Drummond.	Sir J. E. Tennent.
Mr. Caulfield.	Mr. Hatchell.
Sir John Young.	Mr. Leslie.
Sir William Somerville.	Mr. Fortescue.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

Captain *Bartholomew Warburton*, called in; and Examined.

Capt. *B. Warburton.*
26 March 1852.

1. *Chairman.*] HAVE you been for many years in the public service in Ireland?—Yes, upwards of 28 years.

2. In what capacities have you served?—As a magistrate.

3. You are a stipendiary magistrate at present, are you not?—Yes.

4. During that period of time have you been in different parts of Ireland?—I think in every county in Ireland, with the exception of three.

5. Had you great opportunities during that time of observing the state and condition of the people in Ireland?—I had; I have generally been employed in the very disturbed parts of the country, for instance, Clare, Tipperary, and others.

6. During that time have you been under successive Governments?—Yes, for the last 28 years.

7. Have you had much opportunity during that time of observing the working of the secret associations in Ireland?—Yes, I have.

8. Have they presented a uniformity of character and operation?—I think they have, in general.

9. Under a variety of names?—Yes, such as "Terry Alt," and a great variety of names.

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10. Are you acquainted with the districts of Armagh, Monaghan, and Louth, to which the attention of the Committee has been directed?—Since the beginning of January, about the 8th or 9th, of the present year, was sent there by Lord Clarendon's Government.

11. Was it in your capacity of stipendiary magistrate?—Yes.

12. To what extent did your authority apply?—To Armagh and the adjoining counties my authority would apply; but my particular attention was called to the district of Fork Hill, in the county of Armagh.

13. Is Fork Hill in that portion of Armagh that borders on Louth?—It is.

14. Where did you take up your residence?—At Fork Hill at that time.

15. After you went down there in January, did you endeavour to ascertain the state and condition of the district?—I gave it the best attention that I could; I applied to the local magistrates, and all who could give me any information on the subject; I made it my business to do so.

16. Is there a large constabulary force in the district?—Yes; a large constabulary force was sent into the district at the time.

17 Dd you put yourself in communication with the constabulary?—Yes.

18. Did you act on the various occasions of petty sessions and otherwise as a magistrate?—I did.

19. Did you attend any of the investigations that took place with regard to any crimes that were committed in the district?—Yes, I did; as many as time would allow my attending.

20. Could you give the Committee, from the observation and experience you have had, any kind of sketch of the state of the district at this time?—I found it in a most disorganized state, certainly, and a system of intimidation carried on that I had never seen before; a most decided system of intimidation, with an almost impossibility of getting any evidence to enable me to bring home a conviction or to institute a prosecution against the secret societies.

21. From what, according to your judgment, did that intimidation proceed?—A regular sworn system among the people to obey this agrarian code of laws which they had established for themselves.

22. Did there appear to you to be that system of secret association that you have observed before in other parts of Ireland?—

Ireland?—Yes, decidedly; but I think they had a better description of plan. They were much more easily discovered formerly than they are at present.

23. What did you mean by the expression, "a better system"?—Better organized for their own plans than they were formerly in other places where I have been.

24. Is it to that you ascribe the difficulty of procuring evidence?—It is to that system, the great reign of terror that they had established; every person was afraid to be seen speaking to a policeman, or any person in authority, for fear it should go abroad that he was giving evidence or telling some story.

25. Did you find that extending among the more decent class of people?—I did; the better description of farmers.

26. Did that produce an apparent connivance with crime and criminals?—Certainly. The people kept it so to themselves that they were afraid to be seen speaking, and, of course, that gave facilities to the disaffected to be so.

27. Did they seem to consider that it would subject them to the vengeance of the confederacy?—They did, decidedly.

28. Did you observe from any investigations you held that it obstructed the course of justice, so far as you had to do with it?—I am quite satisfied that it did. They were so watched that they were afraid to speak the truth, and the most awful perjury committed that I ever witnessed I think was at those investigations; for instance, a husband and the wife, brother and brother, swearing directly opposite to the same fact before the magistrates at petty sessions and before the magistrates at private inquiries, as to the state of the country as to crime in general.

29. Can you mention any particular instances that occurred to illustrate what you have stated?—In the course of the inquiry respecting a conspiracy to shoot Mr. Champré, and principally in that, a great number of persons had been arrested on suspicion of being joined in the conspiracy, and being connected with the shooting at him; and in those cases the people certainly swore in a most extraordinary way about where they were; and as I stated before, a family was found swearing contrary to each other. Of course that inquiry was conducted with closed doors, so that the parties did not hear the evidence of each other till after it was over.

30. Were you in the district at the time the attack upon Mr. Champré took place?—Yes; he sat at the petty sessions that day at Fork Hill with me; after the sessions, which was delayed for some time by people not attending, a witness

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particularly, and the session did not break up till late, and he returned with me to my lodgings at Fork Hill.

31. What delayed the sessions?—It was in consequence of some witness not appearing who had promised to appear, who did not come in till it was decided that the case should be postponed and a warrant issued against him if he did not attend.

32. Was Mr. Champré detained there till very late that day?—Yes, in consequence of this, that when he was returning with me to my lodgings, we met two young men coming in to say that their father had been waylaid, and almost murdered the night before; he came into my room while we took their information and sent out warrants, and until it was just after dark, when I begged him to return, as I was afraid that Mrs. Champré would be uneasy in consequence of the threats that had been held out against him.

33. Was there anything about the circumstance of delaying Mr. Champré that attracted your notice?—Not till after the occurrence took place, and from other circumstances; a party saying, for instance, after the account of the transaction reached the village, "Well, you know I was here at the time," and such remarks by some of the parties in the town; I do not think it would be prudent to mention names, although I could do so.

34. Mr. *Fortescue.*] Do you believe that the delay was intentional?—Yes.

35. And that it was part of the plot?—Yes, I do believe that.

36. *Chairman.*] Did you attend afterwards at the investigation into Mr. Champré's case?—Yes, every investigation as to that business.

37. Did you get the account that evening of the shooting of Mr. Champré?—Mr. Champré had not been half an hour out of my room when his servant came back all covered with blood, and in a violent state of agitation, stating that his master was shot about half a mile off.

38. Did you go to the place?—Yes, immediately, with the few police in the town.

39. Did you find when you went there any indisposition on the part of the people in the locality to assist in following up the criminals?—When I got up to the place they had removed him from the road side, where he fell, into a wretched cabin; he was lying on the floor on some straw, and they told me that there was a young man, a prisoner, along with him, I asked on what charge, when Mr. Champré's brother told me that

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that a servant of his brother's charged him with not assisting to helping him into the house; and he refused to assist him, and the mother and all the family were very indignant, and very much against his being brought into the cabin at all.

40. Sir *J. E. Tennent.*] With reference to that point, as to the feeling of the people generally, you have stated, in answer to the Honourable Chairman, that they were afraid to speak to those in authority, and that they were afraid to communicate freely upon those investigations before the magistrates; do you mean the Committee to understand that that arose from any deliberate sympathy on the part of the people with those conspiracies, or did it arise from the fact that they stood in terror themselves, and were thus forced into prevarication and silence?—I think it was entirely a sympathy towards the perpetrators of the outrages and conspirators in general in that neighbourhood.

41. Mr. *Fortescue.*] Would you say both?—I think I would not say more than that; I think it was entirely and deliberately to save the conspirators; and they did it in every way.

42. *Chairman.*] I was asking you whether the people, when you came up to where Mr. Champré was, assisted you or otherwise?—Although in a very populous neighbourhood, where there were tenants of Mr. Champré and tenants of his brother-in-law, Mr. Jones, not one of them came except two or three servants that were at Mr. Champré's house at the time the account reached the house; not one of them came near the place to make any inquiry about it, nor did they show any anxiety whatever.

43. Did you send for any assistance from the place?—Those servants of Mr. Champré were sent off in different directions for the doctors in the first instance, then Mr. Young, a clergyman, came up, and another person with him, and I requested that the other would go on to Newry for me, to bring out Mr. Crawford and the police from Newry.

44. What distance is Newry from the spot?—About six miles; better than six miles; and this person refused me; he would not like to have his name mentioned. I then asked him to lend me his mare to go, and he made several excuses, that she was in foal; I said I would take her by force, and be answerable for any of the consequences; he then lent the mare, and I sent a policeman on her into Newry for Mr. Crawford. All this time there were only three or four of us on the road, Mr. Champré's brother, my own servant, myself, and one policeman.

45. Do you know whether afterwards he incurred the

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displeasure of the body?—He told me himself, (the owner of the mare,) that after that he was served with a very violent and threatening notice for having done so, and that it was stated in the notice that he even sympathized and shed tears when he saw what had happened to Mr. Champré. The words were, "shed tears for a tyrant like him." I asked him for the notice he received, and he told me that he had shown it to some friends, and they made him burn it, but that he made a copy before he burnt it; he was afraid to let it be known that he had kept the original.

46. Have you the copy?—No, I have not it with me.

47. Did you see it?—Yes; I read it.

48. Where is the copy?—I have the copy among my papers at home.

49. Have you known of any cases of persons who have been beaten or waylaid declining afterwards to prosecute?—Yes, I have.

50. Will you state any case?—The first case was shortly before Mr. Champré's occurrence. The bailiff, or person that went about for Lord Charlemont's agent, directing the tenants to meet him on a certain day in Newry, at the agent's office, for the purpose of paying their rents, and to bring their leases, was very severely beaten for serving this notice, merely calling on the tenants to appear. The case was reported to me a few days after I arrived in the country, and I went to Camlough to see this man, and he was lying very severely beaten. He had pointed out the evening before, and told the police whom he suspected, and he described those parties accurately. They were arrested; and when his informations were taken next day, they were placed opposite the window where he was lying, with several others of their own class, and he said, to the best of his belief, they were the men, pointing out the two men he had described the night before accurately. We pressed him to say whether they were the men or not, and his brother immediately cried out, "Do not attempt to swear positively to any one." I took the brother away out of his hearing and spoke to him, and asked him how he could want his brother to commit perjury. He said, "I do not think I want him to commit perjury, for if he knew them as well as he knows me, and was to swear so, neither of us would be alive in 24 hours." I said he should have all protection, but he said it would be very hard to protect him constantly, when the police might be taken on other duty.

51. Did the man persevere in refusing to swear to them?—Yes,

—Yes, to say more than to the best of his belief. He said he did not consider it perjury; and that it was only to save his life that he did so.

52. Mr. *Caulfield.*] In fact he intentionally declined to make out the case?—Yes. And during the time that we were sitting in this cabin, taking his informations, a threatening notice was posted on the walls of a forge quite close to where we were, cautioning them against going into the town to pay the rents on that day; it was not on the wall when we were going up, and when we came out it was posted on the wall.

53. Do you know, in any neighbourhood, of any instances of tenants who were willing to pay their rents being prevented by this system of intimidation?—I believe there are instances. I heard of a circumstance occurring at the agent's office in Newry; I was not known generally at the time in the neighbourhood; it was in the hotel, and there were some tenants who had just come out of the agent's office, and they were met by friends of theirs; and one of them, after he came out of the office, met a friend, who said in a whisper, "Well, did you pay your rent, and get a great reduction?" He said, "No, I settled it; but for God's sake do not say a word, or let it be known that I have paid my rent, for if I did make it known I believe I would be murdered." That was in my own hearing, in the hall of the hotel.

54. Do you find it more difficult now to get private information than formerly?—Decidedly, so as to be able to make use of it; I have got a great deal of private information, but I cannot make any use of it.

55. Have you taken the same steps for the purpose of obtaining it?—Yes, I have. I received an order from Sir Thomas Redington giving me—in fact leaving to my own discretion anything I could suggest, either as to the force of military, or police, or money, or anything else, if we could break up the system that was then prevailing; and I endeavoured to make that as public as I could; I had full powers committed to me, as could be given to any one.

56. Has there been, in all the cases that you are aware of in that district, a failure of justice; or have you been able to bring any persons connected with these confederacies to justice?—None have been brought to justice since I have been there. There are some cases in which Bills were found, at the last assizes, but the parties have not been tried; there have been some two or three instances.

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57. Mr. *Hatchell.*] At what date did you go to Armagh from Wicklow?—On the 12th of January.

58. *Chairman.*] Does the intimidation you have spoken of extend to that class of persons who are usually summoned as jurors?—It extends generally to all classes.

59. Are all persons who are connected with the administration of justice more or less put in peril by doing their duty?—I think they are, and I think they feel that they are in danger.

60. From your observation of the secret associations in other parts of Ireland, would you say that there is any unity of plan between them, and what you have observed in the district of which you have spoken?—I should say there was; and the ground on which I form that view is this: in the county of Wicklow, which I believe is one of the most tranquil counties in Ireland, a gentleman, a very short time before I left it, was served with a very violent and threatening notice; he did not make it known to the police or the authorities on being served with it, until he was served with a second, still more violent, and in that notice it was specified, "This is your second warning; you will get a third, and as sure as you receive the third so sure your doom is sealed, and you may prepare your coffin." The first notice I got of the kind, after I came to Armagh, was one sent to me from Dundalk, to try if the handwriting could be traced, and that notice specified, "There will be three warnings; you have got two already, beware of the third;" showing that the same system was pursued.

61. Mr. *Hatchell.*] Speaking of the one you got from Wicklow, and the one you got from Louth, they both corresponded, did they not?—Yes, in the plan and arrangement.

62. *Chairman.*] In the working of the system, did you observe a similarity of operation?—Yes, I did. I do not think the people make use of writing or books or lists of names as they did formerly; we used to get them much more frequently than we do now; writing latterly has been dispensed with as much as possible, I believe; at least from private information, I think so.

63. Is the association confined to any particular class of persons?—The association is confined so far to a particular class of persons, that I believe none but Roman-catholics are admitted into it; they all admit that.

64. Did you ever know of any other class being admitted?—I never heard of any other religious denomination belonging to it but Roman-catholics; I believe it is one of their principal rules.

65. Have

65. Have you been able to trace at any time by whom these notices have been prepared?—In a great many instances traces have been discovered, in different ways, to the national schoolmasters in the neighbourhood; people think they write many of them; a great many of them are not, I am convinced, written by them; but they are very numerous.

66. Mr. *Hatchell.*] You know no case in which that has been proved?—No.

67. Sir *J. Young.*] It has not been legally proved in any case?—No; we have had no conviction.

68. *Chairman.*] Does the existence of this confederacy appear totally inconsistent with the peace and progress of the country?—Most decidedly; there cannot be peace, nor can any person do anything with any degree of satisfaction at present.

69. Does the confederacy appear to have its own code of laws?—I think it has.

70. Does it interfere with other matters besides matters connected with the occupation of land?—Yes, I will state a case: a man went out to collect his debts who was a baker in Newry, and he was served with most desperate notices because he asked for the debts; he was told if he sent his bread cart again he would have other news to bring back with him.

71. Have you been able in any way in any of those cases to ascertain the real grounds upon which the notices have been served, as in the case of Mr. Champré, for instance?—That case, I believe, originated in his anxiety to perform his magisterial duties without favour or affection; I do believe that.

72. As far as you had an opportunity of judging, was there anything of oppressiveness in the conduct of any of these gentlemen with regard to their tenantry?—I have not been able to learn as to Mr. Champré that there was the least whatever.

73. Had he been a very active magistrate in following up ribbon cases?—He was pointed out to me as most active, but I had never seen him three times before the unfortunate occurrence took place.

74. Mr. *Fortescue.*] He had been acting as a magistrate in some of the Ribbon investigations, had he not?—Yes.

75. *Chairman.*] Would a local magistrate, who discharged his duty faithfully, subject himself to a great deal of peril?—I think he would; I think those people have more enmity to a local magistrate than they would have to a Government magistrate or a paid magistrate; they do not feel the same;

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at least I do not think they do, because they seem to say that a paid magistrate must do his duty; I do not feel the same apprehension that I should if I were acting as a local magistrate.

76. Have you known of any threatening notices being sent to magistrates?—I have known them to receive threatening notices, but I cannot say that it was purely on account of their acting as magistrates; I know several magistrates who have received threatening notices, and I have cautioned them from information I had received; but it was more on the subject of land than as to their duty as magistrates.

77. Mr. *Leslie.*] Have you received any threatening notices since you have been at Fork Hill?—No.

78. *Chairman.*] As to the jurors, are you aware of any great indisposition on their part to serve on juries?—I have repeatedly heard that it was the case; I do not know it of my own knowledge, but I heard a most highly respectable gentleman, a magistrate, state that he knew of three jurors who were fined 20 *l.* apiece sooner than serve on juries, and that he had heard of two others that were fined.

79. What county are you speaking of?—I am speaking of the county of Armagh.

80. In what class of cases?—It was at the special commission when that occurrence took place at Monaghan.

81. Mr. *Hatchell.*] Have you found it the case that the intimidation is so spread all over the district as to obstruct in its present state the ordinary administration of justice?—I have, certainly.

82. Do you find a difficulty in the detection of criminals, in getting witnesses afterwards to prosecute, and in getting the jurors afterwards to do their duty?—I have found very great difficulty.

83. From what you have mentioned about the magistrates, are the Committee to consider that you think it of very great importance that there should be a good stipendiary magistrate in every district?—I should say so.

84. Does a stipendiary magistrate look after the collection of evidence as well as it can be got up when these crimes take place, and does he generally take the informations?—Yes, generally; I speak of myself; I almost always do.

85. Do you afterwards communicate with the Crown solicitor?—Yes, I always communicate with the law officers of the Crown; we submit the case, and then they give their opinion on them; the original informations go to the clerk of

of the Crown; he forwards copies of them to the Crown solicitor.

86. Before the assizes take place, do you see the Crown solicitor so as to communicate to him the nature of the evidence?—I generally call upon him, but I have nothing to say as to the preparing of the documents for counsel whatever; I think it would be better if the magistrates attended; I think they could point out the witnesses, and the manner in which they give evidence, so as to be able to give a fair return of what might be expected from the witnesses than a man merely taking down the informations in writing can do; if you see a man tell a story, you can judge whether he is telling the truth or not.

87. Have you been able to form any judgment upon what the exact objects of these confederacies are?—I declare that I have not. I think the land question is not the sole cause; it may be their primary move, for the purpose of getting sympathy with a great number, but would not otherwise join them in the outrages. I am fully satisfied that if they had no grievance as to land, and had got everything they demanded, another grievance would spring up to create terror and confusion, from the state they are in at this moment. Accordingly as they think they gain their point in the land question they will extend it to others.

88. Mr. *Fortescue.*] You think that it is a confederacy against law and government, that is applied to any question that suits them at the time?—Yes.

89. But the principal question now is with regard to land, is it not?—At present it is the main point; but if they got all they demanded, they would have other grievances to complain of.

90. Has it occurred to you that there was any sort of object against the proprietary of the country?—I think the principal object at present is against the proprietary of the land; their principal object is to get the rents down.

91. *Chairman.*] Have you any suggestions to make to the Committee, with the view of remedying these difficulties?—I think there should be some alteration in the formation of juries. The manner in which juries are formed now is very defective, and very hard indeed to be carried out; the principal persons in the county I conceive ought to be on the juries, but they are not.

92. Are the persons put on the jury lists exposed to this intimidation system?—Many are. We might have a system of juries who would not be so if a proper jury list were framed;

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framed; but when you see publicans and those sort of people on the juries, it shows that there is a great want of proper selection.

93. Does it occur to you that it would be advisable, where intimidation prevailed to a large extent, to give a power to have the trial in some locality where the jury would be relieved from that intimidation?—Yes; I made a memorandum to the effect that I thought a change of the venue would be a very important thing if there could be no alteration of the jury.

94. Do you think, if it was known that a power existed of having a trial in a place not exposed to intimidation, that that would have a good effect upon the country itself?—I think it would have a powerfully good effect, because it would take away from the people a knowledge of the juries altogether. I have often observed at the assizes that people feel perfectly satisfied, when they see the jury sworn, as to the result of the trial beforehand. The moment the jury was sworn they would walk away, and feel perfectly satisfied before a single word of evidence was given. Indeed, I have heard those in the hall say, "There is no danger now we have such a jury." I have repeatedly heard that observation made.

95. Do you find any difficulty now from the change in the law about the possession of pass-words in getting evidence of the existence of a confederacy?—It is more difficult, for according to private information, the only writings they have now is with respect to the change of their pass-words, which takes place every three months; and until the people know them they are written on the smallest piece of paper imaginable, with the view that if they are arrested and searched, a fellow could put that piece of paper into his mouth and swallow it.

96. Would it be advisable to restore the law as it stood before?—Yes; as far as restoring the words of the Ribbon Act and the pass-words are concerned. I should submit that if that was done it should be extended to England and Scotland.

97. Are you aware of any branches of this confederacy existing in England?—Yes. I have reason to believe that they do exist very considerably, both in Manchester and in Liverpool. I have had a correspondence with the authorities in Manchester and in Liverpool on the subject, and I believe that they are existing there very much.

98. You mentioned, did you not, that one object seemed to be to lower the rents. If such a confederacy exists in England,

England, has it any ulterior object?—I did not say anything about lowering rents in England.

99. Has the confederacy any ulterior object besides the lowering of rents?—Yes.

100. What objects?—To get rid of all that is respectable in the country; to produce in a great measure a state of anarchy and confusion; and to transfer property from one class to another.

101. Do you think that any abatement of rents would stop the working of the confederacy itself?—I think that wherever they have served notices, and the landlords have succumbed to those notices, and abated their rents after those notices have been served, it is a premium to the disturbance that exists.

102. Mr. *Hatchell.*] That is, a compliance with the notices?—Yes.

103. Sir. *W. Somerville.*] Has that happened frequently in the course of your own duties?—I cannot exactly say that it has happened frequently within my own knowledge; it is so reported to me; I do not know the gentlemen, but I believe it to be the case.

104. Have you heard of any reduction of rent upon any large property after any outrage?—Yes; and I have reason to believe that it has been so in various places.

105. *Chairman.*] Are you of opinion that every kind of yielding to intimidation must inflame the people?—Yes; and give them spirit to go on further.

106. Are there any other remedies that occur to you besides correcting the jury lists and changing the venue, restoring that clause of the Act and extending it to England?—There is another that I would suggest. I do not know whether it is legal, but it has not been done, and that is, to allow a jury trying a case of threatening notices to inspect the acknowledged handwritings of the parties who are suspected of writing those threatening notices, which of course are all in feigned hands; that they should go to the jury to enable them to judge of the similarity of the writings.

107. Have you known any instances in which that has occurred?—At the last assizes in Armagh, in that case in which Mr. Champré committed the schoolmaster, I think there was a failure of justice in consequence of the jury not being able to judge between the similarity of the writing. There was very contradictory swearing on the part of the prosecution and of the defence. There was one who swore positively to the best of his belief that he had seen the man write

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write repeatedly, and that therefore he believed the writing was the handwriting of the schoolmaster. And there were three or four Roman-catholic clergymen who swore that it was not his handwriting, but they did not say upon what they founded their opinion. And there was one man, he is a schoolmaster now, but had been a pupil of the man on his trial, who said that one writing was the handwriting of the schoolmaster, and the other, the threatening notices, he did not think was his handwriting. There was a letter produced that was found, an admitted letter of the prisoner's, and there were similar expressions in the threatening notice that there were in that letter; and when the witness was called on to look to those passages he stopped for a considerable time, and said there was a change there in the writing, and mentioned by way of excuse why it was, because it was interlined; the expressions were exactly similar, "Tyrant landlord;" those words were in the threatening notices, and the same were in the letter that he was writing to his friends; those two words exactly, and I believed them to be in the same handwriting.

108. Were you examined?—No. I merely say that in reading both I should have said so as a common observation.

109. You were present during the trial, but not examined?—Yes. I was sitting along with the clerk of the Crown, and I was looking over the documents. It was the first time I ever saw them.

110. You were saying that the jury should have an opportunity of seeing the writing?—Yes.

111. How many witnesses were there in that case for the prosecution?—I think only one proved the handwriting; and there were three or four other people, and one of the four certainly made a pause; he at first swore generally, but when his attention was called to those particular words he hesitated a good deal.

112. Sir *J. Young.*] Were any of the witnesses, either for the prosecution or the defence, parties who had been in the habit of comparing and judging handwritings, and frequently seeing handwritings?—Yes; they all swore that they had been in the habit of seeing the prisoner write, and were acquainted with his handwriting.

113. *Chairman.*] Your suggestion is, that where an acknowledged handwriting is found, the jury should have an opportunity of comparing it themselves?—Yes.

114. Mr. *Hatchell.*] You would suggest that the rule of evidence should be altered?—Yes. The jury asked, in retiring to consider, that all the letters should be handed up; and the

counsel

counsel objected to that. The counsel objec ted to it,and the judge ruled that it was not legal evidence.

115. That brings you round to your first answer to the first question, containing another suggestion that you seem to think might meet the difficulty; namely, that the law of evidence should be altered so as to let in the comparison of hand-writing; that, you think, would be a good measure, arising from your experience upon the trial referred to?—Yes, I do think so.

116. *Chairman.*] Does the confidence in impunity for crime seem to encourage confederacy very much?—I think it does. They know the difficulty in procuring evidence; they are up to every form of law much better than most people, and I know that they make points that I should never have thought of.

117. Is there a very active constabulary in that district now?—Yes, very much so; men most anxious to do their duty. At the time of the outrage on Mr. Champré they were for days and nights without taking any rest whatever.

118. Mr. *H. Drummond.*] You have stated that the people were afraid to be seen speaking to the police, or others in authority; I do not ask you to give any names, but did you ever know of any information that was laid before the Government relating to warnings given from the altar against giving evidence?—I am not aware of that myself; I have heard reports from others that that was the case, but I have no information so well founded as to enable me to say that I could make a report of that circumstance.

119. I do not ask whether you have laid an information, but whether you have ever seen it?—No.

120. Not in the case of Mr. Champré?—No; I heard that there was, but I never saw it.

121. You stated that perjury is very notorious; have you any means of knowing what the estimation of perjury is amongst those people themselves; do they speak of it as a crime?—No, I think they do not consider it any crime to commit perjury in those cases; I think they feel that they are doing a duty, that does away with any fear of perjury.

122. Do you think that that is owing to their disbelief in the legality of the tribunal before which they are being tried?—I do not think that that ever occurs to them.

123. You never heard of any persons who were notoriously perjured coming under ecclesiastical censure in consequence of that perjury?—Never.

124. Are there at the present time a greater number of Italian

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Italian priests in Ireland than there were?—I have not the power of answering that question; I am not aware whether there is an increase or a decrease.

125. You never met any?—No, I have not.

126. You state that you think there is a connexion and organization between the proceedings in Ireland and in Liverpool?—I do believe it, and in Manchester also.

127. Do you know whether that extends to Glasgow or Preston?—I am not aware; I have no reason to know or believe anything beyond Liverpool and Manchester; but I have had communications with the police authorities in both those places for the purpose of tracing out letters.

128. And Preston?—No, Liverpool and Manchester.

129. Are the notices that are written generally in a good handwriting?—Some of them in a very good and well-spelt, and others very much the reverse.

130. Are they in English, or sometimes in Irish?—I never saw an Irish one; all English.

131. You stated that one of the principal rules is to admit none but Roman-catholics?—So I believe.

132. You stated also that the land question was at the root of this?—I think it is of many of the recent outrages.

133. Do you mean merely as between landlord and tenant, or do you mean that it goes deeper than that, namely, to the descendants of forfeited estates?—I believe they look forward very much to the descendants of forfeited estates; I believe they keep regular record of forfeited estates in Ireland.

134. Are you acquainted with these estates (they are contiguous) of Lord Anglesey, Lord Kilmorey, Mr. Close, the Duke of Manchester, and Lord Gosford?—I know where they are; but I have only been there since the 12th of January, and I cannot speak with much certainty.

135. Do you know of any agents of these estates having received threatening notices?—I have heard that most of them have.

136. The agent of Colonel Close has received no notice, has he?—I have not heard that he has, but I know that Colonel Close himself has. The private information that came before me was, that whether he received a notice or not, he was denounced by the Ribbon Society, and that he was to be noticed, or he would suffer in some way, and I communicated that intelligence to Colonel Close himself.

137. The tenant-right question is not necessarily mixed up with

with this; it may or may not be?—I really do not know. It may or may not.

138. You do not look upon the tenant-right question as the root of the thing; it is an incident?—I think the speeches I see made at these tenant-right meetings are very much calculated to influence the minds of the people and to promote the present disturbances.

139. Do you think the truth is this, that they only use tenant right here, and forfeited estates there, as a mere machinery, but that the object is the domination of the priests over these people?—I do not see how I can answer that question. I think that they have great influence over the people, but I do not now mean to say that they invariably enforce that influence.

140. Does this system act as much against Roman-catholic proprietors as against Protestant proprietors?—I have known it to act as much against Roman-catholic proprietors as against Protestant proprietors.

141. Sir *J. Young.*] When you recommend a change of the venue, is that upon the assumption that this organization is not general throughout Ireland?—I do not think it is general at present. I think that it is creeping forward very fast; but I say it would be a very different matter if the venue was changed from a place where the system existed to a great extent, as it would strike terror the being tried by different jurors to those whom the people knew.

142. Do you suppose that these societies are not so connected with each other throughout the different counties as to be able to communicate information as to whom they should, or not, challenge the juries?—I think they are not so organized as to be able to carry on a system of that kind.

143. You think that they are not affiliated to a central society?—I think that the time would not allow them to make that selection of jurors, or to communicate with one another.

144. You have stated that these illegal societies are confined to Roman-catholics; of what classes of Roman-catholics are they generally formed?—I say that the workers of the society are the lower orders of Roman-catholics.

145. Do you suppose that they are generally got up in the public-houses?—I think that the publicans' houses are a great source and the cause of their being able to carry on their proceedings as they do.

146. Is it not true that those who take part in those societies are generally labouring men, and the younger sons of farmers?—They are generally.

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147. And that it is not usually the farmers themselves?—None of the respectable farmers; they do not, though their sons do. Some of the most respectable farmers' sons are engaged in it, I believe.

148. Is it not generally the case, that those who take an active part, and have been proved to have been guilty of those outrages, are young men?—Yes; generally they are.

149. Mr. *Fortescue.*] They are generally farm servants and that class of people, are they not?—Yes; farm servants and labourers.

150. Sir *J. Young.*] Is it or not the fact, that although the majority of the population seem to connive at those outrages, generally the concocting of them and the perpetrating of them are in the hands of a few?—I think in the hands of a few, decidedly.

151. Would you say generally that the knot which keeps a whole country in terror is confined to a small number?—Yes; but their workers are very numerous.

152. Are they parties who connived at those outrages willingly, or are they parties who are forced into it by intimidation?—I think that some are forced into them by intimidation, and some of them are made to subscribe to the fund, which is at the root of the business, through intimidation.

153. If the Government could break up the small knot, probably that would free the mass of the population from a yoke which they dislike?—Yes, certainly; I think a great number dislike it very much.

154. You stated, did you not, that these societies were principally directed to the land question, and to lowering the rents?—They were in the beginning.

155. Has it come to your knowledge that they are often extended to other objects?—No, it has not at present, that they are extended to other objects, except in some instances, a few trifling instances.

156. Have you known of no case in which the system of cattle stealing has been proved to have been organized in one or more of those Ribbon lodges?—I never heard that; I think they do not allow robbery of any kind to take place; if a fellow was, after serving a notice and intimidating in that way, to rob a man, he would be denounced by his own party; and if he was taken, there would be no subscription made for him to defend him.

157. Has your attention been drawn to a case which occurred at the last Maryborough Quarter Sessions at Christmas, in which a conviction took place?—No.

158. You

158. You have stated that these societies in Ireland are connected with similar associations in Liverpool?—Yes, I believe so.

159. Do the societies in Liverpool and Manchester differ materially from the ordinary trades' unions that prevail among the English people there?—Yes, I do think so; I think in Liverpool and Manchester, it is more with regard to Ireland, as to the outrages in Ireland.

160. But as to the parties located in Liverpool and Manchester forming societies, to what different objects are those societies directed from those to which the English trades' unions are directed?—They are decidedly against the landed proprietors of Ireland; they have left Ireland, and have retired to Manchester and Liverpool, where they are working it out for their friends in Ireland.

161. Mr. *Foriescue.*] Their objects are Irish, and not English?—Yes.

162. Sir *J. Young.*] What effect can they give to those objects when they are out of the country?—Very great; if a man makes his escape, and there is a warrant against him in Ireland, and he goes to Liverpool or to Manchester, he is sure to find protection there, and be put in the way that the authorities cannot possibly lay hold of him.

163. Have you ever heard of notices being concocted and printed in Liverpool or Manchester, to be sent over to Ireland?—I have not known them to be printed, but I have known letters come by post to Ireland with the marks of Liverpool and Manchester on them.

164. When the trades' combinations prevailed in the English towns, the remedy suggested was to give to the magistrates more summary powers in the earlier stages, and in the first outbreaks; do you think that such a power could be given to the magistrates in Ireland with good effect?—I do not know what those powers were, but I think that any power that could be given to meet the thing in its first outbreak would be of the greatest advantage.

165. Mr. *Hatchell.*] You have stated it as your opinion that the Ribbon system is managed in the districts by a small working directory?—Yes.

166. And that it is worked out by those persons whom they employ?—Yes.

167. As the persons who are employed are persons who may be captured in the commission of an offence, does it occur to you to suggest any mode by which that directory could be got at by the Government?—I do not know of any

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way in which it could, except through private information, and then how far the present law would enable people to act upon that I am not aware, because I have heard of those Ribbon-men being taken in actual meeting, with their papers and everything else, and that there was no law to meet the case except the policemen swore that they were Ribbon-men, and they could not do that when they were not Ribbon-men themselves.

168. Their meetings are frequently, if not most generally, held at public-houses, are they not?—Yes.

169. Does it occur to you with respect to this matter, that any good would result from a better regulation of these public-houses, or exercising an influence over their licences?—I think it would have a very good effect; the facility which the people have of meeting there promotes all that kind of thing very much.

170. Does any plan suggest itself to you by which that evil could be met at the fountain head?—I declare that I do not know how you could do that; I have given orders myself to the police, whenever they meet a number of those persons at those public-houses, who say that they are there for their amusement and drinking, to take down their names, and if there are any strangers among them to arrest them, and bring them before the magistrate. They take down their names, and by meeting them frequently at different houses, we form some opinion of them, but at present I do not know of any law that would punish them for it.

171. Mr. *Caulfield.*] You stated that the influence of the priests was extremely powerful with these people; do you believe that the influence of the Ribbon associations over the minds of the peasantry is superior to, and more powerful, than that of the priests?—I do, in some respects. I recollect a case bearing upon that which occurred in the county of Galway when it was under the same system, and really a very violent and desperate state it was, in 1834 or 1835. A party of Ribbon-men, or, as they were then called, "Terry Alts," attacked a lady and gentleman on a jaunting car, and they swore the gentleman to give his land at a certain rate; a Roman-catholic clergyman spoke to them, and told them of the impropriety of their conduct; and they told him that they had a duty to perform to the country paramount to anything that they owed him. I think there were 11 persons that I had brought to the dock in Galway for this offence, and I had the clergyman summoned, and he proved that fact; Judge Burton tried the case, and said that he never heard of anything like that before, and he

he transported the 11 prisoners from the dock; and in one hour after they were condemned they were on a car being taken away.

172. Do you believe that the priests are frequently afraid to interfere in the machinations of the Ribbon societies?—I believe some of them to be so.

173. Mr. *Fortescue.*] Suppose that parties in a proclaimed district were liable to be arrested and punished for being out after nightfall unless they gave a good account of themselves, do you think that would have a powerful effect?—Very powerful. In the old Insurrection Act that was the principal feature in it, and we had all the people kept in their own houses.

174. Would that make the people in such a district as that feel the power of the law in a very forcible way?—I think it would, decidedly.

175. What are the present powers of the police as to visiting houses and searching for arms?—There must be a warrant issued to the sub-inspector before he can make any search, from the Lord Lieutenant.

176. Can no search for arms be made in a proclaimed district except on sworn informations?—It does not require sworn informations; the Lord Lieutenant may give a warrant.

177. Have you ever made a general search for arms?—Yes, frequently.

178. In a single night?—In a single day; it must be by day now.

179. Have you made any such general search in the district which has been alluded to?—No, not in the north of Ireland; it is a very difficult thing to get at. The only successful search I think I ever made was in the county of Mayo; I took up, I think it was, 160 stand in one day.

180. Why was no such attempt made in the district which is now disturbed?—Lately there has been more or less of search made there, with warrants; they are out of date at present, but there have been lists made, and the Lord Lieutenant has recalled the licences of a great number of people in that neighbourhood. Lord Clarendon revoked a great number of licences, and he sent down warrants to that effect.

181. Do not you think that a general and unexpected search for arms throughout such a district as that would have a good effect?—I do not know that it would; they have them so secreted that, without information, it is almost impossible to get at them. With regard to the search in Mayo, if it had

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not been for the information I had received I could not have done it. I had ricks of corn to throw down before I could get at them, and I had very little trouble after doing that once or twice; the people were aware that I was so prepared with information that they surrendered at once.

182. You alluded just now to subscriptions for Ribbon purposes; are you aware of forced contributions having been made throughout these districts for Ribbon purposes?—I believe very extensive contributions have been made. I have reason to believe that from private informations many have been forced.

183. Are you aware that respectable farmers have been intimidated into making subscriptions?—I am convinced of it.

184. What is the purpose of that subscription?—To pay the perpetrators of an outrage; to pay the party to lie in wait for a certain time to commit a murder, and then to send him out of the country, and to defend a criminal, but principally to get the criminals out of the country.

185. You stated that this reign of terror was directed against high rents partly?—Partly against rents.

186. And that at least one of its objects was to lower rents?—Yes.

187. Do not you believe that the mere fact of a change of tenancy for any reason, even on account of a tenant owing a large arrear, is a crime in the eyes of the Ribbon Society?—Most decidedly.

188. Quite irrespectively of the amount of rent, and however fair it may have been?—Yes.

189. Or the religion of the in-coming tenant?—Yes.

190. Are you not aware of cases where the late tenant has received compensation, and has been sent by his landlord to America, and yet in spite of that, the incoming tenant has been molested?—Most certainly in a great number of cases.

191. So that the law of these secret societies is, that there shall be no change of tenancy on any pretence?—Yes; except as the party has agreed with that code of laws of theirs, because I have known people to come in and live very peaceably in a place; but if those parties took that land contrary to the expressed wish of that secret society, it would not be so; but if a person takes that land, with the sanction of that secret society, he is seldom molested.

192. Sir *W. Somerville.*] You stated, did you not, as your opinion, that the occupiers of land generally were not engaged in this Ribbon system?—I did not say so. I think that the occupiers of land are in many cases engaged in it.

193. I thought

193. I thought you stated that it was their sons, principally?—Yes; but I think they are themselves, some of the lower class, engaged in it.

194. But you stated, did you not, that the sons of some of the more respectable farmers were engaged in it?—Yes.

195. Do you think that that is with the knowledge of those respectable farmers themselves?—I am afraid in many instances that it is.

196. You stated that you have known instances where the land system was not the object of those secret societies?—I have known instances of its being put into operation for other purposes.

197. What other purposes?—I instance the case of a baker in Newry demanding the price of his bills for bread in the country, and he was refused. He was then served with a threatening notice, that if he sent his cart or attempted to enforce his demand, or prosecute any person about it, it would go back with a different story.

198. Do you think that the facility of escape by going to America has increased the number of those crimes in the country?—Yes, I do.

199. And that they have planned their means of escape before the perpetration of them?—Decidedly; I say that that is arranged so; that is one of the principal things in Liverpool, to have parties there paid for the purpose of keeping those people until they can be with safety sent away.

200. Mr. *Fortescue.*] Are you not aware that one object to which this organization has been applied in that district is that of intimidating the railway contractors?—Indeed I do not know that; I never heard of that.

201. To prevent parties employed on the railway works from being dismissed?—I think the people would be afraid of that; I believe that the greater number of workers on the railroads are the workers of the Ribbon system.

202. Do you think that the railway labourers have helped to introduce the system into the districts where they are working?—I should think they have; I do believe they have.

203. Sir *J. Young.*] Have you any doubt that the parties engaged in those Ribbon conspiracies apply their force to any object that appears to them necessary?—I believe they do apply their force in that way; I am sure that the workers on the railroads are the principal people, or a great number of them, who do great mischief in the country, and that they are paid for doing it.

204. Sir *W. Somerville.*] With regard to those forced contributions,

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tributions, were they levied under a regular system?—I was told that they are in many places; that there is an acreable tax levied upon them.

205. An acreable tax?—Yes, or according to the rents that they pay.

206. Mr. *Caulfield.*] Have you known Protestants taxed as well as Roman-catholics?—I declare I have not; I have not been able to trace it; I have heard of Presbyterians being taxed, but I cannot speak positively on that head; I never had a private report of that case; there is only a general feeling and opinion that some of them are.

207. Mr. *Fortescue.*] Do not you believe that there is a number of well-disposed parties in these disaffected districts who would much rather be left quiet, and be glad of the protection of the law?—I am quite convinced of it; there was a man who had given me a good deal of private information, and I wished to induce him to become a public prosecutor, and when I gave him to understand that the Government would have him taken care of, he said that he was heartily tired of it, and that if I could do that it would give him great pleasure; but he said, "I know I would be taken care of, and sent out of the country, but I candidly tell you, sir, that I would become the murderer of every blood relation I have in the country were I to do so."

208. How is a Government informer generally treated after he has done his work?—He is generally sent out of the country, either to America or Australia, or where he chooses to go; his passage is paid, and that of his family is paid by the Government, and he gets a certain sum, according to what the Government thinks fit, on landing.

209. Is that well understood among the people?—Very well understood.

210. Mr. *Leslie.*] Has your attention ever been turned to what are called shebeen shops?—Very frequently.

211. Do you include, when you say that those Ribbon people meet in public-houses, the shebeen shops?—No, I think they are free; for instance, if we know of a shebeen house we put a mark upon it at once; I alluded entirely to the small licensed public-houses. The shebeen houses are not near so numerous now, but still some of them exist; and whenever we find them they will be punished; the police have them summoned, and they are punished, if we find them selling without licences.

212. In your experience in the southern part of Ireland, or in other counties where you have been, and where there is

something

something of the same sort of association existing, do you find any difference in the places of their meeting, whether in shebeen shops or public-houses?—I do not think there is any difference; I think they are more afraid of being in a shebeen house, because they are then all summoned as witnesses against the party in whose house they are drinking.

213. Sir *J. E. Tennent.*] Have you known many instances of threatening notices being sent, where landlords have caused a valuation to be made of their estates?—Yes, I have.

214. In what county?—In the county of Armagh; I have heard of it there, but I have never seen any of those notices.

215. Mr. *Fortescue.*] Did any other magistrate sit on the bench along with Mr. Champré and yourself at the investigation as to the threatening notice you have spoken of?—I was not in the county at all at the time.

216. Are you aware of any other magistrate having sat on the bench along with Mr. Champré, and being engaged in the examination of the schoolmaster?—I have heard that Lord Claremont did.

217. Did he in any way suffer?—I believe he was also threatened.

218. Mr. *Hatchell.*] Do you know whether the plan for attacking Mr. Champré had been arranged on the morning of that day, or some time before that day?—I believe it was arranged before that day; and I believe that the people were in waste houses, and lurking about there from 10 o'clock in the morning.

219. Sir *W. Somerville.*] Is it supposed that it was on account of the part taken by Lord Claremont in committing this schoolmaster that threatening notices were served upon him?—I do not know whether it included anything as a landlord; I never saw the threatening notice with which he was served, but I merely heard that he was served with one; and that part of it was in consequence of the part he took in joining Mr. Champré in committing the schoolmaster.

220. Is not Lord Claremont well known to be one of the most indulgent landlords in that district?—I believe there was never one more indulgent, or a man who has the name of it more; and it was only the astonishment of every one in the country that he should be attacked in that way, a man who is laying out sums of money beyond what any one can fancy.

221. Then it is a perfect exemplification of the Ribbon system, serving the notice upon Lord Claremont?—Yes.

222. Sir *J. E. Tennent.*] To show that the notice was probably connected with his acting as a magistrate in the county of Armagh, and not with his conduct as a landlord, are

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are you aware that the notice was put into the post-office at Armagh?—I think it did bear the Armagh post-mark.

223. Mr. *Fortescue.*] And that his name was coupled with the name of Mr. Hall, of Narrow Water?—That was another notice; there was one coupled with Mr. Hall, of Narrow Water, and Mr. Hall's brother, and with Lord Claremont's; that went from Armagh, I think, to Lord Claremont, in the county of Kilkenny; he was threatened by posting notices in the usual way, notices on the walls; he and Mr. Champré, and Mr. Crawford, the sub-inspector.

224. As he lives quite on the borders of the county of Louth his name was coupled in a threatening notice with gentlemen living in another county; that looks as if the notice was not connected with his property, which is in the county of Louth?—Yes.

225. Mr. *Caulfield.*] Have you reason to believe, that through the agency of the Ribbon society, letters passing through the different post-offices have ever been tampered with in any way?—I have heard such to be the case. I am not aware of it of my own knowledge; but I have heard of a postmaster opening letters, or communicating information, if they see a letter that is open to suspicion.

226. Have you heard of their withholding these letters?—I have heard such to be the case; of my own knowledge I have not been able to prove it. I have made two or three attempts to find out whether that was the fact, but I have not yet been able to do so.

227. Can you tell the Committee what is the present state of that part of the country, as to whether you apprehend from day to day any further outrages of the nature that have already taken place?—I have every reason to fear that they will take place.

228. In short, you would not be surprised to hear by post to-morrow that another beating and that another shooting had occurred?—Not the least surprised.

229. Have you any suggestions to offer to the Committee as to the speediest means of taking precautionary measures?—I declare that I have no means; and every precaution that the law affords is given in every way by the most vigilant watching and police patrolling; I am not able to point out anything that immediately would do so.

230. Notwithstanding that vigilance, the state of the country is such, that the renewal of these outrages may at any moment occur?—I really feel so.

231. Have you heard of a notice having been served lately upon

upon any gentleman in the neighbourhood of Dundalk?—I have.

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232. Sir *W. Somerville.*] Have you heard of any threatening notices being served upon individuals who are likely to be examined as witnesses?—I do not know who the gentlemen are who are to be examined as witnesses. I have not heard of any.

233. Sir *J. E. Tennent.*] Are you aware of instances in which threatening notices or actual violence has been exhibited towards stipendiary magistrates?—I have not. I heard a man give private information that a stipendiary magistrate in Armagh was to be fired at, and I have endeavoured as far as I could to ascertain whether that informer was speaking the truth or not, but I have not as yet been able to ascertain the fact.

234. Have the officers of the police been obnoxious to any violence, or have they received any threatening notices?—No, they have not. Mr. Crawford, sub-inspector, was the only one, I understand, whose name was mentioned in connexion with Mr. Champré and Lord Claremont.

235. As a general rule they are exempt, though they are very active in the discharge of their duties?—Yes.

236. How do you account for that?—People know that they are paid, and have no alternative but to do their duty, and that if they do not they lose their position. I feel that to be my own case, and that I might do with impunity what a magistrate of the county could not do.

237. Do you consider then that they are exempt because they are only acting officially in the discharge of a paid duty?—Yes.

238. Then how does that principle apply when bailiffs and persons acting officially, connected with land, have been exposed to murder?—They are doing it under the influence, not of the Government of the country, but of private individuals, but in the other case it is a machinery working by the order of the Government.

239. Does it occur to you that that peculiarity stamps this confederacy with a closer connexion with land than with any other relation to society?—I think it does, certainly, at present.

240. Do you suppose that the state of security of the police arises from their being armed, and in readiness, and protected?—I do; they never travel singly; they go in bodies.

241. Mr. *Caulfield.*] You are not able, from the short period of your residence in the country, to give any information, of

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of your own knowledge, with regard to the tenure of land, and the average rents?—Not from my own knowledge, any more than from making inquiries as I went through the country, as to the rents; and, looking at the different places, I was surprised at their saying that there was any grievance. I have some little knowledge of land, and I was certainly very much surprised at the lowness of some rents, and the comforts of the cottages and cabins; they had very considerable farmyards, and stacks of corn in their haggards up to this day. I am speaking of Armagh; it is quite astonishing the number of stacks of corn you see, and the comforts of the people.

242. Sir *J. Young.*] Supposing that there was a grievance, do you not think it intolerable that, in a civilized country, parties should be allowed to take the law into their own hands, and inflict such punishments?—I think it is quite frightful to contemplate.

243. Are the stipendiary magistrates under any head; is there any control over them?—They report directly to the Lord Lieutenant, or to the Chief Secretary's office.

244. When you go to a new district are you obliged to have a new warrant?—So I suppose. I have been sworn into the commission of the peace for several counties in the north, 10, 15, or 20 times; and every time, if I go in to-day, and suppose that I finish my duty, and I am sent for, and I return to my original place, if I go back the next day I must have a new warrant; we have no commissioners of the peace now; they are warrants from the Lord Lieutenant.

245. Mr. *Hatchell.*] By the Act of Parliament the warrant constitutes you an *ex-officio* magistrate?—Yes; you receive the *dedimus*, and you are sworn every time to that. For instance, when I left Wicklow I came down to Armagh and I was sworn in there. If I went back to Wicklow the next day, and was then sent back again to Armagh, I would have another warrant and be again sworn in, and commence *de novo.*

246. That is the state of the law, is it not?—Yes.

247. *Chairman.*] Is it of importance to bring the stipendiary magistrates under a more settled system?—Decidedly of the greatest importance.

248. And to put them under some head?—I think there ought to be. The constabulary have a head in Sir Duncan Macgregor; he is able to judge of all the officers of the force, whereas the stipendiary magistrates go in the general rule through the Castle authorities without any immediate person to

to look after them except they go to the private secretary of the Lord Lieutenant, or the under secretary.

249. In fact there should be amongst them a system of discipline and unity of action?—Yes. I know that the late Mr. Drummond had a plan for the formation of a head in that way, and he communicated with me some time upon that subject.

250. Mr. *Hatchell.*] You would have one common system as to the magistrates assimilating to the constabulary in point of discipline and in point of pay?—Yes, and in point of rank.

251. Sir *W. Somerville.*] You correspond directly with the Government, do you not?—Yes.

252. *Chairman.*] In the discharge of their duties there should be a somewhat closer inspection, you think?—I think so.

253. Mr. *Fortescue.*] Are you of opinion that there ought to be a higher qualification required for gentlemen appointed to the magistracy?—I declare I do not know how to answer that question. I think it entirely lies in the breast of the Lord Lieutenant or the Government, and I suppose they would not appoint any that they did not consider fit.

254. *Chairman.*] Are their duties very important in the getting up of the evidence, and in all that preliminary part of the proceeding?—I should think it ought to be very important, and I think it is of the greatest importance.

255. When a crime is committed in any locality, is the stipendiary magistrate looked to as the person to give all the directions and take the necessary proceedings?—Yes, I have always found that to be the case wherever I have been.

256. Therefore the manner in which he discharges his duties must be of very great importance?—I think it must be of the greatest importance in bringing the case clearly before the law officers of the Crown.

257. Are the districts usually very large?—Some are, and some are not; circumstances alter the cases in many instances. I had the entire county of Wicklow, and I could do that with more ease than one barony in the county of Armagh.

258. Do you think it important to the public service that there should be a revision of the whole plan of the stipendiary magistracy?—Yes; I think it would be a great advantage to the public service.

259. In a case of identification, is not that usually conducted by the stipendiary magistrates?—I think it is one of the principal things.

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260. Before the trial comes on?—It ought to be attended to, and I have always made that one principal item, to get the identification properly got up.

261. Mr. *Caulfield.*] Is not the evidence almost invariably circumstantial in all those cases?—No, not always; there is a great deal of circumstantial evidence, but not always.

262. Mr. *Hatchell.*] When a district becomes particularly disturbed, has it not been the practice of the Government in Ireland generally to send down, in addition to the resident magistracy, an additional stipendiary magistrate to assist?—Yes, certainly; I have been frequently sent.

263. Specially on those occasions?—Yes.

264. Was it upon such an occasion that you were sent into the district of Armagh to Dundalk?—I believe so; the under secretary was pleased to say that the Government wished to send me there.

265. What other stipendiary magistrates were also located about that district?—None. Mr. Fitzmaurice was in another district; he was there for some months, and Mr. Singleton was the resident magistrate.

266. You were sent specially in aid of him?—Yes.

267. Was there not every advantage given to you in the way of police assistance, and increased force, in whatever way you required it?—As I have already stated, I had unlimited power; I was asked, "What force do you want, and what do you think will be necessary?" and I had a *carte blanche* to do whatever I thought was necessary for the benefit of the country.

268. In conjunction with the local magistrates?—Of course the duty of a stipendiary magistrate is to make himself acquainted with the magistrates of the county, and give them every assistance in his power; of course he is considered the junior and working person, to take the labouring oar off their hands as far as he can possibly do it, aided and assisted by them: their presence is absolutely necessary to support him.

269. Sir *W. Somerville.*] Was not a deputy inspector-general of constabulary also sent down?—Yes, one of the inspector's-general was sent through three or four counties, Louth, Armagh, Monaghan, and Down; he was sent down to see that the police were placed in proper positions, and to consult with the magistrates of the districts.

Martis, 30° die Martii, 1852.

MEMBERS PRESENT.

The Attorney-General for Ireland.
Mr. H. Drummond.
Sir William Somerville.
Mr. Baines.
Mr. Caulfield.
Sir James Graham.
Sir John Young.
Mr. Leslie.
Mr. Goold.
Sir J. Emerson Tennent.
Mr. Hatchell.
Mr. Scully.
Mr. Bright.
Mr. Fortescue.
Mr. Whiteside.
Lord Naas.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

Captain *George Fitzmaurice,* called in; and Examined.

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270. *Chairman.*] ARE you a Stipendiary Magistrate in Ireland?—Yes.

271. How long have you been in the public service?—Twenty-seven years, and upwards.

272. During that time have you been stationed from time to time in different parts of Ireland?—I have.

273. Have you latterly been in any portion of the disturbed districts?—I have been since June last at Crossmaglen, in the county of Armagh.

274. Is that a portion of the county that borders on Monaghan?—Yes, and Louth.

275. Were you sent down there specially by Lord Clarendon?—Yes, I was.

276. Had you any particular instructions at the time that you were sent down there with regard to the course you should pursue?—I was instructed to use every possible exertion to discover the perpetrators of crime, which was very prevalent, and to save no expense in procuring evidence for that purpose. I was also directed to exert myself to obtain information relative to the Ribbon system, which was also very prevalent then, and is so still.

277. Did you find on going there that the Ribbon system was prevalent?—I did.

278. Did it appear to you to be well organized?—Very well,

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well, indeed ; better than ever I knew it to be in any other part of the country I was ever in.

279. After you arrived there were any crimes committed in the locality that attracted your notice?—Not in my district, but in the surrounding districts ; within a circle of about eight miles there were crimes committed.

280. Were they crimes that appeared to be connected with the Ribbon confederation ?—No doubt of it.

281. In any of the instances in which crime was committed, have the parties been brought to justice?—None : there are some in custody, against whom bills have been found, and to be brought to trial.

282. In no instance have any of the parties been convicted and punished according to law?—No, I regret to say, except in one instance of finding arms on two men near Carrickmacross, a case tried at the special commission of Monaghan.

283. Did you observe the effect of the Ribbon confederacy in obstructing the ordinary course of justice?—Yes, indeed, to a melancholy extent.

284. First of all, where a crime is committed, will you describe to the Committee the difficulty that is found in obtaining evidence?—The first thing is, that an inquest is held, and the police use every exertion they can, and take into custody any persons who are likely to give information ; but in every case in which they are brought forward they perjure themselves rather than implicate any person.

285. Did there appear to you to be a great indisposition on the part of the people in the locality to assist in the detection of criminals ?—No doubt of it.

286. Did that appear to you to arise from a system of terror, or from sympathy, or from both?—Both.

287. Is the small class of decent farmers put in a position of great difficulty by that reign of terror ?—Indeed, I think that class sympathize and participate in the proceedings rather than otherwise.

288. Are there any portions of them who, if they felt confident of receiving adequate protection from the law, would be glad of it?—Yes, I think there are.

289. Does that system of intimidation appear to you to extend its influence into the class of persons who act as jurors in the ordinary course of criminal proceedings?—No doubt of it.

290. Does that again impede the administration of justice ? —It does, very materially.

291. Do

291. Do the local magistrates who interfere actively expose themselves to peril?—They do.

292. And does the ordinary enforcement of the common rights of property expose persons to peril?—No doubt of it; so much so that they have not been exercised of late at all scarcely.

293. From your observation of the state of matters in the neighbourhood, are you of opinion that there is any amount of oppression, or exorbitant demands of rent, or anything of that kind which explains the present state of things?—No indeed; I think that if they were a little more exacting it would be a great means of checking the present system. By enforcing the rights of property determinedly would counteract the object of the confederacy; to do otherwise encourages it.

294. And the rights of property are not enforced, in consequence of yielding to the system of terror?—That is so.

295. Are the Committee to understand it to be your opinion that every kind of submission to that system of intimidation tends to inflame the confederacy?—No doubt of it.

296. And to give it strength?—No doubt of it.

297. You have heard in that neighbourhood, no doubt, of the murder of Mr. Powell?—Yes; it occurred, I think, in 1841.

298. From the year 1841 down to a recent period, has there been much outrage in that locality?—Not till 1846; I think there were two men executed for the murder of Mr. Powell, who were identified by his daughter and the servant in his house, and up to, I think, December 1846, no serious outrage occurred.

299. After 1846 were there many cases of crime, or several cases?—Yes; in the year 1846, I think, two men of the name of Clarke, brothers, who were herds for a Mr. O'Callaghan on lands that had been evicted, were murdered.

300. There was also the case of Mr. Coulter?—The next was a man of the name of Maclean; then Mr. Mauleverer in 1850, and Mr. Coulter in 1851.

301. Mr. *Scully.*] Did these crimes take place within the district to which you were appointed?—No; within a circle of eight miles, and previously to my going there.

302. *Chairman.*] Do you find it difficult to get information upon which you can act?—It is impossible almost.

303. Do you find that there is an interference with the

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exercise of any ordinary right of property in that neighbourhood?—No doubt of it.

304. Are you of opinion that the continuance of such confederacies is inconsistent with the progress of the country?—Indeed it is; it is too evident, I am sorry to say.

305. Have any suggestions occurred to you to offer to the Committee, from your own observation, as to any remedies or changes in the law that might be considered advisable?—I think, in the first instance, some remedy as to the constitution of petty juries would be most desirable; they are at present taken from the list furnished by the barony constable, and many of whom, I regret to say, are a very bad class of men.

306. Are they a class of men too open to the influence of intimidation as well as sympathy?—A good many of them are.

307. Do you mean that the juries should be composed of men more intelligent and more independent?—Yes.

308. Supposing that were done, is there any other suggestion that you would make?—I think a change of the venue would be most desirable.

309. You mean, to have the power of trying a case out of the locality in which it occurred?—Yes.

310. Do you recommend that for the purpose of getting rid of the influence of intimidation and local sympathy?—Yes.

311. According to your observation, are the jurors, as a class, afraid of doing their duty on those occasions?—Some of them; but the majority sympathise, and are partizans, and have an interest in the proceedings that are going on in the country, with respect to a reduction of the rent of land.

312. They think that they would profit by the results?—Yes.

313. You have stated, have you not, that you were not aware of the rents of lands being exorbitant or excessive?—Not at present; some have been high, I understand, formerly; but they are not so at present. I think they are fairly valued, and even that fair value is not paid.

314. Do you think that any abatement of rent, or any yielding of that kind, would have the effect of stopping the confederacy?—Indeed I do not; I look upon it at present to have a contrary effect.

315. You think that it would go on with ulterior objects?—No doubt of it.

316. Independently of these two matters you have referred to,

to, what is the general condition of the people in point of comfort or outward condition?—I think, generally speaking, they seem very comfortable.

317. Have they good haggards?—Yes, good stackyards for small farmers.

318. You do not observe any pressure of distress that, in your opinion, would lead to these outrages?—There is less there than in most other counties that I have been in.

319. Next to these matters, in reference to the formation of the jury lists and the power of having a trial in another place if necessary, is there anything further that you would suggest?—I think it would be well to have the law relating to Ribbon documents, signs, and pass-words restored; I think that would be most desirable.

320. Have you a difficulty now with regard to evidence of finding a Ribbon lodge sitting with pass-words?—It is almost impossible to have a conviction under the present law.

321. Has your attention been directed to the state of the public-houses in those districts?—Yes, it has, and there should be some more stringent law regarding that matter.

322. Do these confederacies meet very much in public-houses?—Hitherto they have been in the habit of doing so, but the police visit them so frequently that the people know they are aware that those lodges have been held there, and they have discontinued meeting in public-houses; they establish dances in remote places where they transact their business; at other times in fairs and markets, but they very seldom resort to public-houses now to transact these matters.

323. Then what advantage would accrue from a more stringent regulation as to public-houses?—I think it would be a great check, generally speaking; it may not be so in the localities I am speaking of, as the police take down the names of those publicans who, from information they receive, have been in the habit of allowing these people to meet, and they visit their houses; but this cannot be done at all times and in all places.

324. Do they meet generally after sunset?—No; mostly in the daytime.

325. Many of the crimes that have been committed, have been committed in the daytime, have they not?—Almost all.

326. Have you a difficulty, when crime is committed, in getting assistance at the time from the people in the immediate neighbourhood?—Yes; it is never granted.

327. Have you an efficient constabulary in that district?—Very much so.

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328. Would you suppose that by those changes which you have suggested, together with a vigorous and steady administration of the law, the system might be in a great measure checked?—I do, certainly.

329. And by a more steady enforcement of just rights on the part of the landed proprietors?—Yes; that would be most desirable; and till such is the case other remedies will be ineffectual.

330. Mr. *Caulfield.*] You would recommend firmness on their part?—Yes.

331. Mr. *Bright.*] You were speaking of the case of Mr. Powell; that happened in 1841, did it not?—Yes.

332. Are you acquainted with the particulars of that case?—He was an under agent, I understand; I cannot speak except from hearsay.

333. Did you ever hear that in consequence of that crime any change was made in that district with regard to the matters which the conspiracy disapproved of?—No; I am not aware that any change was made.

334. Do you know with regard to the case of Mr. Mauleverer, that anything of the kind took place?—Yes; a large arrear of rent was struck off the property, I understand.

335. After Mr. Mauleverer's death?—Yes; and an acreable reduction was made to the tenants.

336. Can you state any other case in which about the time, or soon after the commission of a great crime, the objects of the confederacy have been partially or altogether conceded?—On the Castle Blayney estate, I understand, a reduction was made of 4*s.* in the pound after the murder of Mr. Bateson.

337. Did that happen last autumn?—Last December, the 4th of December.

338. Was Mr. Bateson the agent on that estate?—No; on the adjoining estate, Lord Templetown's.

339. Was any reduction made on Lord Templetown's property?—I believe not.

340. Is the impression general in the district that the reduction made on the Castle Blayney property was influenced, if not altogether occasioned, by the death of Mr. Bateson?—It is considered that it was.

341. Can you give the Committee any other instance in which, after a crime has been committed, any concession with regard to rent or tenure has been made to any of the occupiers of land in the neighbourhood?—On Mr. Ball's estate the tenants had been pressing for some time for a valuation

of

of the lands and a reduction of rent; and it was not acceded to until after these murders occurred.

342. The murders of last December?—Yes.

343. Mr. *Caulfield.*] There were also reductions given on Mr. Bond's estate, were there not?—Yes; I have heard so.

344. Mr. *Bright.*] What do you conceive to be the effect of reductions made under such circumstances?—A great encouragement to those illegal confederacies, of course.

345. Are these estates, that of Castle Blayney, Mr. Ball's estate, and the other which has just been mentioned, managed by agents or by the proprietors?—By agents altogether.

346. Do you know whether the owner of the Castle Blayney estate ever lives upon it?—Yes, he did occasionally; he does not live on it now; Lord Blayney had a residence there.

347. Can you say how many years it is since he resided there?—I believe he has been there within the last 12 months, merely on a visit to the place.

348. And with regard to the other estates which you have mentioned, are the proprietors in any case resident?—No, they are not.

349. They have no residence upon their estate?—I believe not.

350. You stated in answer to a question addressed to you by the Honourable Chairman in regard to the juries, that you thought some of the jurymen were afraid to give verdicts, but that the majority of the jurymen sympathised with the crimes, the perpetrator of which they were about to try?—I did.

351. You believe that to be the fact?—Yes.

352. You have been in court lately, have you not, when some of these cases had been tried?—Yes, I have.

353. Were you in court in the case when the Kellys were tried?—No.

354. At what cases have you been present?—The case of the murder of Macintaggart at Dundalk, a boy, on which occasion a man of the name of Pat Keeran was tried and acquitted. He was tried twice; the first jury disagreed.

355. Looking at the jury, what class of men should you say they were?—On that jury, and indeed on both, there appeared to be the same class of persons.

356. What class of persons were they?—They appeared to be of the better description of tradespeople and farmers.

357. What would you say would be a fair sum at which to place the average rent of their occupations?—I should say from 10 *l.* to perhaps 30 *l.*

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358. You are speaking now, are you not, of the occupiers of land?—Yes.

359. In that district, do the farms range very much above that?—Very seldom; they are mostly under that.

360. Supposing it were proposed by any means to get rid of that class of individuals as jurymen in that district, to what other class would you be driven from which to select your jurymen?—The gentlemen farmers and merchants.

361. Are there any large number of farmers in that district whose holdings are over the value of 30 *l.*?—They may be over 30*l.*, from that to 100 *l.* In Armagh, Monaghan, and Louth I think they would be found.

362. If you were to select your juries from the class of occupiers above 30 *l.*, do you conceive that such a selection of juries would give satisfaction, it being according to the acknowledged principles of law that they should be chosen generally as the peers or fellows of those whom they were about to try?—I believe that would give dissatisfaction in a good many instances; I am sure it would; but then the result would be so desirable that I think it would be better to forego that objection than to have the present system carried on.

363. Are these juries composed entirely of Roman-catholics, or are they mixed juries?—They are mixed.

364. Are Protestants numerous in that district?—No, they are not.

365. But there are some, are there not?—Yes.

366. Do you know that there were some on those juries of which you have spoken?—Yes.

367. Have you been able to discover that the sympathy with these outrages is confined strictly and clearly to the Roman-catholic tenantry, or that to some extent it is participated in by all?—I regret to say, that it is participated in very generally speaking by all.

368. How long have you been in that district?—Since June last.

369. Were you acquainted with it at all before?—No.

370. Are you acquainted with the condition of agricultu re the tenure of land, and such matters, in Ireland?—I am tolerably well acquainted with it.

371. What was your mode of life before you received your present appointment?—I got into the constabulary as chief constable when I was very young, 27 years ago, and I have served as chief constable, county inspector, and now a stipendiary magistrate.

372. Whatever

372. Whatever knowledge you have of Ireland you have gained during your progress in the service?—Yes; I first served in Cavan, to which place I was appointed; I then served in Donegal, Tyrone; I then served in Londonderry, and at the time of the disturbances at Limerick, I was sent up there. In 1846 and 1847 I served there, and I removed from there to King's County, and also in the county of Tipperary. Capt. *G. Fitzmaurice.* 30 March 1852.

373. Besides the alteration which you proposed in the juries, you have recommended another plan, have you not, that is, a change of the venue, that the trials should be held in other districts than those in which the crimes were committed?—Yes.

374. To what extent would you propose that that should be carried?—I think it would be desirable in all cases of agrarian murder to do so for the present.

375. And in all the counties of Ireland?—No, I do not think that it is necessary in all the counties of Ireland.

376. Would you make an exceptional law with regard to certain districts, or would you give a discretionary power?—I would give a discretionary power to do so when it was considered necessary.

377. Mr. *Fortescue.*] In a proclaimed district, for instance?—Yes, where the confederacy has had the effect which it has had in those counties which have been mentioned.

378. Mr. *Bright.*] If a case happened in one of the counties with which you are now connected, you would recommend that the trial should take place in Limerick or in Dublin, for instance, would you not?—In some distant county.

379. Would you take your jury from the county where the crime was committed, or the county into which you conveyed the prisoner for trial?—Certainly not from the county from which the prisoner was committed; I would take the jury from the county into which I brought him for trial.

380. As to Ribbon documents, a third point to which you have alluded, you say that you would alter the law in that respect; what would you recommend?—I would recommend where documents were found in the possession of parties bearing these signs and pass-words, or any other thing the meaning and object of which was not visible to every person that could read; the possession of such mysterious documents should make them liable to punishment, if not fairly accounted for.

381. You know, of course, that the law was as you recommend

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mend it should be, at one time, and you are aware that the law was altered some six or seven years ago?—Yes.

382. Did you ever hear the reason why the law was altered?—No, I did not, to my knowledge.

383. Did you never hear that one strong reason that influenced the Government and Parliament in repealing that law was, that a policeman had been found putting into the pocket of a countryman some of those documents that were not only illegal, but subjected him to heavy punishment?—I never heard that, to my knowledge.

384. In the police force in Ireland, what is the mode of promotion; is there a regular promotion in the force, or in what way do you reward men who show remarkable activity and acuteness?—In the higher grades, by seniority and capability, and in the lower grades by merit, generally speaking.

385. Is it possible for a man in the lowest grade to rise towards the highest grade?—Yes.

386. Are there any rewards of a pecuniary nature except that arising from promotion?—Yes.

387. What are they?—By a grant of money from the Reward Fund; a fund raised by the force itself.

388. For special services?—Yes.

389. You have 10,000 or 12,000 policemen in Ireland, have you not?—Yes.

390. They are chosen, many of them, are they not, from the humblest ranks of society?—Yes.

391. Do you conceive that it would be safe to re-enact that clause under which a temptation would be held out to men to display their merit by the discoveries of offenders, when it could be so easy for them to be the authors of the offence?—There is scarcely a crime that they might not commit, if they were corrupt enough to do it; acts that might aggrandize them in the eyes of their commanding officers. But I think, generally speaking, that they are of that class of men who would not be guilty of such an act as that.

392. Have you not heard that in former times in this country, when persons were liable to a heavy punishment for having counterfeit coin in their possession, many cases happened where the coin was put in the pocket of the unhappy accused, and it was proved that it was put there by the police?—I have heard of those things, but I never knew an instance of that in all my experience.

393. Are there any societies in Ireland, such as the Odd Fellows, the Freemasons, and societies of that kind, which are rather

rather sick clubs, burial clubs, and clubs for relieving men out of work?—Yes, there are, I believe.

394. Do not you know that some of those societies have secret signs and pass-words?—I understand so; I do not belong to any of those societies.

395. Would it not be quite possible that a person innocently might have documents in his possession, and might be seen in the company of persons who were suspected, and that through the activity of the police, stimulated by the hope of promotion, that innocent person might be accused and suffer punishment if that clause were re-enacted?—It might be so; but if the documents belonged to any other society, they could be easily proved not to be Ribbon documents.

396. If you saw a Ribbon document now, would you know it to be one?—It would depend greatly upon the person on whom it was found. It is so mysteriously framed that you cannot say positively that it is a Ribbon document or not, unless you be a Ribbonman.

397. If you met with a suspicious individual, and you found a slip of paper in his pocket, or about his clothes, and you doubted the character of the man, and you could not comprehend the apparent no-meaning of the paper, you would put the two things together, and believe it to be a Ribbon document?—Most likely I would.

398. Speaking as a gentleman of more than ordinary acquaintance with these affairs in Ireland, notwithstanding the urgency of this case, would you not say that it was rather a hazardous recommendation that you have made, that the law should be altered in that respect, and that there are great objections to it?—There may be; but the good that would result from it, I think, would be greater than any evil that could result from it; and on the whole a mercy towards the parties themselves.

399. How do you propose to get rid of what appears to be the great evil of the whole thing, the system of terror?—By the juries doing their duty, and landed proprietors enforcing their just rights.

400. But with regard to Ribbon documents and your prosecution of the parties, and your attempt to get rid of this conspiracy, would you not have the whole terror of this society brought to bear upon you just as you have now?—In the first instance, I would endeavour to get the landed proprietors and their agents to oppose the system and to enforce the rights of property; and then if that was done, and the juries

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juries could be got to do their duty, I am sure there can be no doubt that the thing would be very shortly done away with.

401. By what means do you propose to encourage the landed proprietors to do their duty?—By protecting them.

402. By a much greater police or military force?—No. I think we have a sufficient force to protect them in those counties which are under consideration; there is an ample force to protect them and maintain peace and order.

403. Is it customary for gentlemen in those districts now to travel armed?—Yes, it is.

404. Almost universally?—Yes.

405. What arms do they carry; have they got some of the American revolvers?—Some have got revolvers, and some travel with guns, and others with the usual description of pistols.

406. Do they travel alone, or do they generally contrive to go together, or accompanied by servants?—Some travel alone, and others travel with their servants, or with other protection.

407. Do you think that they are in the habit of going one way to a town and going back by another?—Yes; that is very common. It is considered the safest mode of travelling.

408. Is the system of sending threatening notices very prevalent just now, or within the last six months?—Yes.

409. Have you seen many of them?—Yes.

410. The originals?—Yes.

411. Have you any of them with you?—No; they are in the possession of the police.

412. What sort of papers are they; are they mere careless scraps of paper?—Yes.

413. Are they well-written or ill-written?—Generally speaking, they are tolerably well-written; but latterly they have been much worse written, and in disguised hands.

414. Do they travel by post generally?—Yes; and often posted at night on doors and other places.

415. Have those gentlemen who have been attacked, or any of the individuals who have been assaulted, in all cases previously to the assault received threatening notices?—Not in all cases.

416. Do you know of any case in which any man has been assaulted without having received a notice previously?—Assaulted I have.

417. I mean assaulted with intent to kill, or beaten or shot at?—Generally speaking such parties receive a threatening notice.

418. It has been stated to this Committee, by a former witness, that the practice is to send three notices, and that not until the three notices have been sent generally is the punishment of this dreadful code inflicted?—That is generally the rule; but it has been deviated from in some cases.

419. Have the police ever succeeded in obtaining any written documents which explained this code of the Ribbonmen?—Not that I am aware of.

420. What you know of it you know from rumour?—Yes; and from persons connected with members, and who have been members of the body themselves.

421. Has your own experience led you to believe that there is great method in their mode of proceeding, and great regularity; and that cases are tried and adjudicated upon by a certain authority recognised by them, and according to certain rules that they have agreed to?—I believe so.

422. You have stated what is the feeling and practice of the gentry, namely, that they go armed; what is the general feeling amongst the tenant-farmers themselves, speaking of all classes of tenant-farmers; do they go armed?—No, they do not; they do not consider it necessary.

423. Do they live under such a system of terror that they would be glad to find themselves shut out from juries, and to see the venue altered?—Some I have no doubt would; others I have known, in cases of agrarian murders, and the trials coming on, to throw themselves in the way for the purpose of being placed on those juries; and others I have heard have paid money to get off the jury, at the late commission, for instance.

424. Then those men who actually wish to get on a jury do not wish to have any alteration of the law to give them any protection as jurymen?—Certainly not, they wish it to remain as it is.

425. Is that because they believe, however they may abhor any particular crime under the whole system of terror, that as the holders of lands they are gainers in the struggle with their landlords?—No doubt of it; that is the fact; that is my impression.

426. Have you any other remedy that you wish to recommend to the Committee?—Not any that strikes me at present.

427. You believe that without any more extreme departure from the ordinary course of law, the changes which you have recommended would be of some value?—Such is my opinion now.

428. Have

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428. Have you much confidence in the changes you have recommended?—Indeed I have.

429. Mr. *Fortescue.*] With respect to this proposed change in the evidence as to the Ribbon pass-words, you think the possible injustice that might be done under a change in the law by the misconduct of the police, or otherwise, would be nothing as compared with the necessity of doing something to grapple with this frightful state of things?—Yes.

430. The object would be to facilitate the obtaining of evidence, which is now found to be almost impossible?—Yes.

431. Lord *Naas.*] Did you ever hear of any documents of a secret kind containing signs or pass-words in connexion with any other society?—Never.

432. You never heard of documents of that kind in connexion with the society of Freemasons or Odd Fellows?—No.

433. You do not believe that such things are in existence?—I do not think they are.

434. Mr. *Hatchell.*] You have mentioned, that latterly the people are in the habit meeting at fairs and markets in the daytime to concert any plans they may have in contemplation?—Yes, in groups.

435. Then forcing the people to keep in their houses after nine o'clock at night would not be a means of preventing those people from meeting in the daytime?—Certainly it would not have that effect.

436. You have also mentioned that you thought the rights of property ought to be enforced, and that that would have the effect of leading to the suppression of this system?—Yes.

437. Wherever you have been since you have been quartered at Crossmaglen and the neighbourhood, have you had instructions from the Government to afford every necessary assistance, by the police, and to afford protection to persons enforcing the rights of property?—I had instructions to the fullest extent, and the greatest anxiety was shown that I should make it public, which I did in every possible way.

438. Therefore what you say is, that if the landlords and their agents have not done so it rests with themselves?—Yes.

439. Sir *W. Somerville.*] Were you frequently called upon to afford that assistance to the landlords in your district?—Never but in one instance since I went there.

440. Mr. *Caulfield.*] What instance do you refer to?—In the case of Mr. Moore, the successor of the late Mr. Mauleverer.

441. Sir *W. Somerville.*] You believe it to have been perfectly

perfectly well known throughout the district that you were empowered to grant that assistance?—No doubt of it.

442. Mr. *Goold.*] You have stated that the people now generally meet at dances in remote places?—Yes.

443. And in the daytime?—No, at night; they meet in the daytime at fairs and markets.

444. Those dances, of course, are in houses, are they not?—Yes.

445. Public-houses?—No.

446. In their own houses?—In the farmers' houses generally.

447. Mr. *Scully.*] To what do you attribute the cause of these outrages?—To a combination against the payment of rents principally.

448. You stated that you were quartered at Limerick at one time?—Yes.

449. Comparing the state of things that you found at Limerick with the existing state of things in the north of Ireland, is there any similarity between the two cases?—The thing was differently carried on at Limerick; it was carried on to a greater extent, and more publicly. Large assemblies of people used to meet, and they perpetrated crime. Here it is done by daytime, and in such a mysterious way that there is no coming at it. Men cannot protect themselves, and the police are so watched that an opportunity is taken to knock a man's brains out without any chance of detection, or escape from such attack.

450. Did you ever receive, when in Limerick, any documents similar to those Ribbon documents which are used in the north?—Never that I can now recollect.

451. Would you say that the Ribbon system did or not prevail in Limerick when you were quartered there?—I think not to a very great extent in Limerick.

452. Mr. *Goold.*] Did it prevail at all?—Yes, it did; I am sure it did to some extent.

453. What you call the Ribbon system, strictly speaking, as distinguished from agrarian outrages?—Yes.

454. Mr. *Scully.*] Was there any connexion between the parties, or was the system that was carried on in the south of Ireland connected or identical with that which is now carried on in the north of Ireland?—It was altogether agrarian in both places during the prevalence of crime.

455. Do you mean that Ribbonism is merely confined to a system of agragrian outrage, and that alone?—Certainly not.

456. Are

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456. Are you aware what the origin of Ribbonism was?—Not exactly; but I think it was more a sectarian or religious system at first, but now, in addition, it is aimed at the rights of property in my opinion.

457. Did you ever know, in the county of Limerick, any sectarian feeling to prevail among the lower classes?—In Limerick I did not, but that was always my impression of the nature of the confederacy.

458. What steps were taken to put down crime as it existed in Limerick when you were there?—A large constabulary force was sent in and charged to the people, and eventually a commission was appointed, which finally put a stop to it, there were so many convictions; there were, I think, 26 cases tried, and all were convicted.

459. Would you recommend the same remedies which you propose for the north, for the county of Limerick or Tipperary?—No; we found the juries in Tipperary and Limerick always to do their duty fearlessly.

460. Could you name any particular instances in which you know that juries have not done their duty in the north of Ireland?—It is a thing of every day occurrence at the assizes and quarter sessions.

461. Do you attribute the failure in getting convictions in those cases to the jurors not doing their duty?—In a great degree I do.

462. Will you name any particular juror whom you had any reason to doubt?—I think that would not be right.

463. You have accused jurors generally of not doing their duty?—I have, and I think it is the greatest evil that we have to contend with; I say it fearlessly and openly.

464. Mr. *Fortescue.*] You believe, from your knowledge, that jurors are too often either disaffected or afraid to do their duty?—I do.

465. Sir *J. Graham.*] Did you not state that you thought Ribbonism was distinct from the secret societies which prevail in Ireland, and which are connected with agrarian outrages?—No, I did not say so.

466. It is of the same character, is it not?—It is; I think they are one and the same; I think they have united and do now work together.

467. Though the name is changed, the thing is the same as has existed in Ireland for a long time?—No doubt of it.

468. Under various names?—Yes, under various names; but I think the object and operations are just the same.

469. It has shifted now into the north; to what cause do you

you ascribe its appearance there?—To combination against the landlords; it is well known that it always existed in those parts of Armagh, Louth, and Monaghan, but it was not until of late that it became so formidable and dangerous a body.

470. To what recent causes do you ascribe its increase?—I think it is greatly owing to the operation of the tenant league system; I think that has imparted confidence and strength to the Ribbon body to carry out the present system of terror and outrage.

471. You stated, did you not, that Ribbonism had its origin in sectarian feeling?—That is my impression.

472. Political or religious?—Religious; indeed both.

473. Is Ribbonism confined in your opinion to the members of one creed?—Altogether.

474. Of what creed?—The Roman-catholic; none others are admitted, in my opinion.

475. Have you any evidence of that, or is it a matter of opinion merely?—I believe that to be the case. From everything I know of the matter, I believe it; and I believe it is well known that no other sect ever belonged to that society.

476. The interest in the tenure of land is common both to Roman-catholics and Protestants, is it not?—It is.

477. If the interest be common, how is a secret society with reference to the tenure of land confined to one sect?—The Ribbon body will admit no others. They are sympathised with by parties whose interest it is to sympathise with them, and support them, but they are not admitted into the society as a body, unless they are Roman-catholics.

478. Is the social condition of the district that has been referred to very much disturbed now by these outrages?—Very much indeed.

479. Can gentlemen go out to dinner now unless they are armed, or are they afraid of returning home at night?—They are afraid of returning home at night in most parts.

480. Then the intercourse of private life is broken up very much by this state of things?—In a great measure.

481. Does that terror extend to Roman-catholic gentlemen, as well as to Protestants?—Yes, in many instances.

482. The society, though sectarian in its character, does not spare the Roman-catholic proprietors?—It does not where they infringe on the rules of the society.

483. Though the origin of the society may have been sectarian, the system of outrage pervades all classes in its effects, without distinction of creed?—It does.

484. Sir

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484. Sir *J. E. Tennent.*] With regard to the sectarian character of those associations, have you known any cases of other than Roman-catholics having been charged with Ribbonism, or arrested on such charges?—Never.

485. Mr. *Scully.*] Have you ever heard or known of other than Roman-catholics being accused of committing agrarian crimes?—Yes; but it has been very seldom.

486. When you connected Ribbonism with agrarian outrages you stated that those who were Ribbonmen must be Roman-catholics?—Yes.

487. You also stated that those who committed crimes against the landlords and agents were Ribbonmen?—Yes.

488. Entirely so?—Yes; all those who committed these recent murders.

489. Were they all Roman-catholics who were accused of these murders in the north?—Yes.

490. You are not aware of any Protestants having been accused of committing any of these murders?—No.

491. Mr. *Fortescue.*] You think, do you not, that there would be a difficulty in persuading the Roman-catholics and Protestants of Ireland to join together for any purpose, whether good or bad?—In the north of Ireland I do not think they ever could be joined together as a united body.

492. As the peasantry, who constitute most of the members of those secret societies, are Roman-catholics, that accounts for Protestants not joining them, does it not?—I do not know that; it may account for it in some degree.

493. Mr. *Whiteside.*] How many years have you been in this district?—Only since June last.

494. I presume you were not present at any of the numerous trials that took place on the northern circuit in Lord Grey's time?—No.

495. You never heard the rules of the society proved by orm?—No.

496. Have you read any of those numerous trials which took place about 15 years ago, the records of which are in the Castle?—I dare say I have.

497. You are not yourself aware from those trials of the principles of the Ribbon confederacy, as proved in courts of justice?—No, I am not.

498. You mentioned Macintaggart's case, who was killed; you are aware that that man happened to be of the persuasion you have referred to, and that he was a respectable Roman-catholic?—Yes.

499. He

499. He suffered precisely as any Protestant would?—Yes.

500. That was for infringing the Ribbon code?—Yes.

501. Do you know the estate on which that man lived?—I knew the case very well, but I cannot now recollect who the landlord is; I know the agent.

502. Do you mean Mr. Woolsey?—Yes, he is the agent.

503. This young man was killed going to his place of worship on Sunday morning, was he not?—Yes; he was a lad about 18 years of age; I saw him after his death.

504. Were you present at the trial, and did you hear his sister identify the prisoner?—Yes.

505. You have been asked about the jurors; the prisoner was tried twice, was he not?—Yes.

506. The first jury differed, did they not?—Yes.

507. And the second jury acquitted him?—Yes.

508. Do you know whether the first jury that doubted were composed of what is called the civil panel, the better class of jurors?—No.

509. Were you present at the acquittal?—I was.

510. Was there a shout in the court-house?—There was; and he was borne about in triumph on the shoulders of the people in the town of Dundalk.

511. And in that case the person who was killed was a respectable Roman-catholic?—He was an innocent boy of about 18 years of age, and was killed because his father took a few acres of land.

512. Do you know that these acres of land had been, in point of fact, vacant for a year?—They had.

513. You were asked whether the police were selected from the humblest classes of society; is it not the fact that the police must know how to read and write, and must have received a certain amount of education?—Certainly.

514. And they must be capable of understanding warrants and magistrates' orders?—Yes; they must read and write fluently.

515. And they must have some small sum of money?—Yes, for the purchase of necessaries.

516. You were asked, with regard to the omitted clause in the Ribbon Act, whether an innocent person might not possibly be found guilty, because he had in his possession one of these papers; did you ever read the section of the Act referred to, the omitted section in the Ribbon code?—I am sure I have.

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517. Do you know that the words are "knowingly having in his possession"?—Yes.

518. Were you ever present at a trial upon that section?—No, not to my knowledge.

519. You do not know that it must be proved that a person charged with having the paper in his possession, had it in his possession knowingly?—Yes.

520. Are you also aware of this fact, that it must be proved on the trial that the document so found, altogether irrespective of the person on whose body it is found, must be shown to be of the character charged in the indictment, that is, a Ribbon paper?—Yes.

521. By such evidence as should be given to that fact?—Yes.

522. It must be shown, first, that knowingly he had it in his possession, and, secondly, that it is of the character or description legally charged in the indictment?—Yes.

523. Did you ever read the celebrated case conducted by Lord Plunket, Kenny's case, where the documents were produced, and the principles of the confederacy proved?—Yes, I am sure I have.

524. You were asked about juries of a superior class; do you know that at present the jurymen are selected by the barony constable?—Yes.

525. In reference to the title, that is, to the leasehold property they possess?—Yes.

526. Therefore, persons of respectability and opulence who happen not to have leases of their property, are all excluded?—Yes, if not cess-payers.

527. Although now persons not having leases may vote for Members of Parliament?—I believe so.

528. Do you know that by acting on the poor-law valuation, you would have a much greater number of jurymen and much larger lists to select from than you have at present?—Yes, I believe there would.

529. With regard to removing the place of trial, does your opinion as to the propriety of that change proceed upon this principle, that the trial could be had, with all the legal requirements, before a tribunal that would not be affected by terror?—Yes, and less sympathy.

530. Mr. *H. Drummond.*] You have been asked about some other societies besides these Ribbonmen; does that society still exist in Dublin called men?—I am not aware.

531. Did you ever see a copy of the Ribbonmen's oath?—I have seen copies, or what purported to be so.

532. Do

532. Do you remember the words of it?—No, I cannot say that I do; I have seen so many copies in different forms that I could not attach much credit as to any of them being genuine.

533. Lord *Naas.*] Do you think that the combination that exists in the north of Ireland differs very much from that which you observed in the county of Limerick?—Indeed I do not; I do not think that it does differ much; it is more systematically carried on in the counties under consideration here.

534. Is it directed more against the owners of the land than the occupiers of the land?—Against the owners.

535. There have not been many instances in the north of outrages against the occupiers of land, who have taken land which other people have left?—There have been some.

536. But they have not been so many as the outrages upon landlords?—No. The fact is, that a third of the lands in the locality of which we have been speaking, are, I may say, waste; no person dare take them, and the landlords are afraid to stock them, for the cattle would be destroyed.

537. You think that if these lands were taken and occupied, in all probability outrages would be committed on the new occupiers?—Not a question of it.

538. In point of fact it does not differ from the combination that existed in the south?—It does not.

539. Mr. *Caulfield.*] These outrages, of which we have been speaking, are entirely confined to a small portion of each of the three counties, are they not?—Yes, but I fear it is spreading daily.

540. Of what description of country is that district; is it a wild country?—Yes, it is a wild country, and a great great deal of it waste and unprofitable.

541. There are no resident proprietors, or but few?—None whatever, scarcely.

542. This district has always been remarkable before your knowledge of it, as being the stronghold of Ribbonism?—I understand so.

543. Have you heard that the towns Keady, Camlough, Newtown-Hamilton, and Crossmaglen have been meeting places of the Ribbon Society for a long time?—I have.

544. This society has at all times interfered more or less in the management, tenure and occupation of land?—No doubt of it.

545. Have you ever heard that persons working mines in

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these districts have been obliged to discontinue them, from coming under the ban of the Ribbon Society?—I have.

546. You stated that this society was originally sectarian in its constitution?—I believe so.

547. And also in its objects sectarian?—I believe so.

548. But do you believe that of late, all over Ireland, wherever Ribbonism exists, it has assumed the form of a self-constituted tribunal, to settle the various affairs of the country people on almost all subjects?—No doubt of it.

549. That is, as to the holding of land, rent, and transactions between one another?—Yes.

550. Do you know that marriages have been enforced or prevented through that Ribbon tribunal?—Yes, I have heard of that being the case, and I believe it is the fact.

551. On the whole, the operation of this society is, in your opinion, identical in the counties now under question, from what you have seen and known of it, in every part of Ireland?—It is the same everywhere, I believe.

552. Of course the consequent demoralization of all classes of occupiers of land has been very great, has it not?—Very great indeed.

553. Do you think that the terror and the intimidation which has been caused through this society has increased the absenteeism on the part of the proprietors?—I am sure it must have that effect, and it has had that effect. I know that Mr. Biggars was obliged to leave his place, and there were some others I heard of, that were, from the same cause, oblige to leave their places.

554. It increases, therefore, if I understand you rightly, the difficulty felt in management of land, and the fear entertained on the part of landlords and agents?—Indeed it does, very much.

555. Have you any knowledge of the amount of population in that district as compared with other lands of similar acreage and character?—It is very thickly inhabited.

556. Do you know whether emigration has been prevalent in those districts or not?—Latterly it has, but not to the same extent at all that it was in other counties.

557. Or have you heard that those districts have suffered very materially during the famine year?—I believe they have not so much as other counties in the south and west of Ireland; I am certain they have not.

558. They do not show the same deterioration in their clothing and mode of living, do they, that is visible in other parts?—No.

559. Then

559. Then is there any specific cause besides that of the interference of the Ribbon Association in the tenure of land to which you can attribute the present state of those counties?—None; that is the cause.

560. Mr. *Scully.*] Are you aware that ejectments or notices to quit have been served to any extent in the district which you have mentioned?—No; there have been previously to my coming there, but since I came there, there has not been.

561. Were there ejectments to any extent before you came there?—Mr. Mauleverer was agent to two portions of the property that I have named, and he found it necessary to take proceedings against some tenants in that way.

562. Could you give the Committee any idea of the number of people who were ejected from that property?—I believe there were very few; none at all, scarcely, for his murder put a stop to the proceedings.

563. You have stated that you attributed a good deal of the present state of the country to the movements of certain associations, and you mentioned one in particular, namely, the "Tenant League;" were any meetings of the "Tenant League" held in your district?—Not since I came there.

564. How do you connect the two?—From the violent speeches that were made at those several meetings, and the tone of some of the public papers, and letters emanating from some of those persons favourable to the league; I think it encouraged the perpetration of those crimes; indeed I have no doubt it did.

565. There were no meetings held in your district, were there?—Not since I came there.

566. Nor within what distance?—I cannot take upon myself to say.

567. Were any steps taken by the Roman-catholic bishop and the clergy of the district where you resided to put a stop to these Ribbon proceedings?—There was the parish priest, who I am sure did everything in his power to persuade his people to desist from them, and he went so far as to say, that if they did not he would be the first person to bring them forward before the authorities; that was Father Lennan.

568. Are you aware of any cases where the parish priest gave information as to public-houses or the conduct of certain classes of Roman-catholics in your districts?—I am not aware; I cannot instance any particular case, but that they could have done so I have no doubt.

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569. Are you aware whether this class of Catholics whom you call "Ribbonmen" are in the habit of attending to their duties, or are in the habit of attending chapels or hearing their clergy?—Indeed, I believe they care very little about their clergy, or for any religious observance.

570. What number do you think might be engaged as the prime movers of this association?—I dare say there are from 10 to 12 prime movers.

571. Of what class of men are they principally?—Some of them are rather extensive farmers.

572. Are they any of them inhabitants of towns?—There are some.

573. Of what class are they in these towns?—Small shopkeepers, low publicans, and tradesmen.

574. Are these men otherwise men of good character?—They are of very good character, generally speaking.

575. You stated that there was no crime in this district until 1846, did you not?—No murders, to my knowledge, or scarcely any other serious outrage.

576. Are you aware what steps were taken by the Government between 1846 and 1851?—I am not aware.

577. Were there any stipendiary magistrates in your district before you went there?—Yes, a Mr. Singleton, but he is now in Westport, in the county of Mayo.

578. Were there any other magistrates living there besides him?—The local magistrate was there, Major Bernard.

579. Was Mr. Singleton in the district up to the time when you went there?—Yes; it was a portion of his district; he was near Newtown Hamilton; his removal was very recently.

580. What was the extent of his district?—Part of Newry; two baronies, I believe.

581. What was the circumference or diameter of his district?—I dare say it was about 25 miles in diameter.

582. What number of police have been sent since you have been down in that district?—I think 150.

583. In your district alone?—No.

584. But in your district alone what has been the number?—About 60.

585. What number was there before that?—Forty-five, I think.

586. Do you know of any complaints having been made as to the conduct of any of the police in your district, either before you went there or immediately upon your going there?—No, not that I can now recollect.

587. Sir

587. Sir *J. Graham.*] Did you not state that the prime movers in this district were known?—Yes.

588. Did not you state that they were 10 or 12 in number?—About that.

589. What is the circumference of the district in which these 10 or 12 live?—About, I think, 10 square miles.

590. You are resident in that district, are you not?—Yes.

591. And those 10 or 12 persons are perfectly known as the prime movers?—Yes; they have the reputation of being so; I have it from private information that those are the prime movers.

592. Though you cannot obtain legal evidence, you have no moral doubt of it?—None.

593. Some of them are farmers and some shopkeepers?—Yes.

594. Is that knowledge confined to yourself, or is it notorious throughout the district?—It may not be notorious, but it is known to a great many as well as myself, I have little doubt.

595. Do these parties meet from time to time?—Yes.

596. Are you cognizant of their meetings, and the place of their meeting, and the time of their meeting?—Unfortunately no; there were certain places at which they were in the habit of meeting, and we put a watch on those places, and latterly they do not meet there; they conduct their meetings now in remote places, in farmers' houses; at dances, as I before stated, they arrange their business there, and occasionally at fairs and markets, but unfortunately we never hear, or scarcely ever, of these things until after they have occurred.

597. The police are acting under your direction or in conjunction with your authority, are they not?—Yes, they are.

598. Are not the movements of those 10 or 12 persons watched?—No doubt of it; I have day patrols and night patrols; and I cause them to call by day and by night at the houses of those several persons, and if they are absent, I make them get from their families, or whoever can tell, where they are; at any of the meetings where they are, and when they meet parties at other places, I make the men take down the names of all so found, and where they are from, and if there are any strangers there, I have directed them to be brought before me immediately.

599. You have all the appliances of the Government at your command, the police, the military, and every force the law

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law can afford you, have you not?—Yes; in the fullest way I can desire.

600. You are resident in the district?—Yes, I am.

601. And yet these 10 or 12 prime movers baffle all your efforts?—Yes, so far.

602. They are stronger than you, stronger than the law and all the appliances of the Government?—Yes; they have such cunning, and their plans are so well devised and carried out, that they baffle all.

603. What is the sympathy of the district; is it with you and the law, or with the 10 or 12 prime movers, in defiance of you and the law?—It is with them, I regret to say.

604. Is that sectarian or not?—I will not say that it is sectarian altogether.

605. Do Protestants partake of the sympathy with those 10 or 12 prime movers who are defying the law?—I regret to say they do; a small number at least; they find it their interest to do so.

606. Though the origin of the society was sectarian, and though the movers are Roman-catholics, yet Protestants now, from local causes, sympathize with those persons who are using efforts against the law?—It is so.

607. You stated that they interfered with marriages; do they interfere with marriages between Roman-catholic and Roman-catholic, or with mixed marriages only?—They scarcely ever interfere in mixed marriages; it is only with their own people.

608. My question was this, do they interfere in marriages between Catholic and Catholic, or only in marriages between Catholics and Protestants?—With Catholic and Catholic.

609. And not in marriages between Catholics and Protestants?—I never knew an instance of that.

610. Mr. *Scully.*] Are you aware of the existence of a society called the Orange Society?—Yes.

611. How long has that existed in the country?—I believe a very long time.

612. Are you aware that Ribbonism originated with a society similar to the Orange Society, or from similar causes; were they not both of a sectarian character?—Yes, I believe they were.

613. Do you know of any district in the south of Ireland where a similar state of things exists, that is, where an Orange Society exists?—Yes, but to a smaller extent.

614. Are you aware of any Ribbon Society existing in the south

south of Ireland purely as a sectarian association?—I believe they do exist in most of the counties in Ireland.

615. Are you aware of the Ribbon system as a sectarian system alone existing in the south of Ireland?—I believe it does exist in many counties in Ireland at present, and that it is of a sectarian character, but available when deemed necessary for the vilest purposes of any other nature.

616. Mr. *Caulfield.*] Did you not state that the members of the Ribbon Society were, as far as you could ascertain, exclusively Roman-catholics?—Yes.

617. Mr. *Hatchell.*] You were interrogated with respect to the state of the district with which you are acquainted, from 1846 downwards, and you referred to Mr. Singleton, the stipendiary magistrate, who had been located in that part of it which includes Armagh; do not you know, with respect to two other portions of the district, that Mr. M'Cance was a stipendiary magistrate on the Newry side, and also Mr. French a stipendiary magistrate on the Dundalk portion, so that there were three stipendiary magistrates?—Yes, and Mr. Howley at Carrickmacross.

618. So that those four magistrates were all located there, having that district divided amongst them for their superintendence?—Yes, they were.

619. With whatever force of the constabulary was required in their estimation?—Yes, to any extent.

620. You were asked by the Honourable Member for Enniskillen, with reference to the suppressed clause in the Ribbon Act, whether you were aware that the words in the statute were "or knowingly have in his possession any copy, written or printed, of any such pass-word or pass-words, or other secret mode of communication;" there is a material adjunct to that, "and who shall not be able satisfactorily to account for the same, shall be guilty of an offence." If a pass-word or paper of that description was put into a man's pocket in a fair and it was found upon him, having all the character of a Ribbon pass-word or communication upon it, and if he was called upon to account for it, and he could not tell how it got into his pocket, would he not run a great risk of being found guilty?—Yes.

621. That is a clause which has been repealed, has it not?—Yes.

622. Mr. *Goold.*] With regard to those 10 or 12 persons that you have mentioned, are they supposed to be a central authority, or does the central authority sit elsewhere?—They are for that particular district.

623. Is

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623. Is there supposed to be a general central authority elsewhere from whom they derive their orders?—Yes.

624. Is that in Ireland?—I believe it is at Belfast, so it is said; some say it is at Liverpool; others at Glasgow.

625. Have you ever heard that it was in Manchester?—No; I think not.

626. You stated that this system derived a good deal of its vigour from the operations of the Tenant League; does that arise in your opinion from the extravagant hopes held out by the Tenant League to the farmers?—Yes.

627. Supposing that all those hopes, even the wildest hopes, were realized, and that the present tenants were converted into owners in fee, would that operate as a check to the system?—So far as the land scheme went it would settle that, but I think other ulterior objects would still continue to make it dangerous in its operations.

628. Supposing a tenant became an owner in fee, would he probably let his land to other tenants?—Except that which he kept in his own hands, I suppose he would.

629. If so, do you think that the same system would go on, only with a change of actors?—Yes, but it depended upon the description of tenantry he admitted.

630. Mr. *Scully.*] Supposing a suspension of the Tenant League were to take place to-morrow, that would not in your opinion check the committal of outrages in that country?—I think it would do away with them; it might not cause an instant cessation of these crimes, but it would of course do away with them in the course of time.

631. *Chairman.*] With regard to that section which has been referred to, in a case where you obtain information of a Ribbon Lodge sitting, and you come upon them sitting there with the pass-words, have you any mode of making that information effectual in the present state of the law?—None; that is my object in recommending the clause referred to be made the law.

632. Supposing the section were modified in this way, "if a number of persons be found together having in their possession pass-words and documents;" do you think that a case could occur in which a whole set of persons could have them put into their pockets, in a public-house for instance?—No; that is the only case in which I would wish proceedings taken; cases such as you mention, and admitting scarcely of a doubt.

633. If it were modified in that way, not applying it to individual cases, but supposing a number of persons found together

together assembled with documents of that kind upon them, would not that be a salutary change and not open to objection?—No doubt of it; and it could of possibility not give rise to the imposition that has been pointed out, as making the clause objectionable.

634. Sir *J. Graham.*] You have stated that if the Tenant League question was settled, you still think that the Ribbon system would continue, and that other objects would remain?—I stated that if the Tenant League question was settled the Ribbon Society would still continue to exist.

635. What other objects would still remain?—Those objects which they obviously had in view before the Tenant League commenced at all, and which I have fully stated.

636. What were those objects?—Sectarian and political objects.

637. What are those sectarian objects, to the best of your knowledge and belief?—I think the dislike which they have naturally to any other religious persuasion.

638. Are you speaking from a vague surmise merely?—From my own impression of what I know of the working of the society.

639. With regard to those 10 or 12 persons you have mentioned in the district in which you now reside, are they all Catholics?—They are all Catholics.

640. What is their character apart from this conspiracy?—It is otherwise very good.

641. They are men of respectability?—Yes, in trade; they bear in all their transactions a good honest character.

642. Is their moral character irreproachable?—No doubt, a great many of them, apart from the confederacy alluded to.

643. Speaking of the majority of these 10 or 12 whom you must watch, are they, apart from this conspiracy, men of respectability in their station in life?—I say a good many of them are.

644. And of good moral conduct?—Yes.

645. Mr. *Whiteside.*] Suppose a trial were to take place, and a confederate were prosecuted, and one of these persons was examined as to a fact that occurred under his own eyes, would he swear truly or falsely?—I believe he would swear falsely; I stated that I believed them to be upright in the transactions of trade only; but perjury, under such circumstances, I regret to say, is an almost every-day occurrence.

646. You say that in reference to a matter connected with the society, you believe a confederate would swear falsely?—

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No doubt of it; from my own experience I believe it would be so.

647. You have been asked about other societies; you came from Crossmaglen; that was formerly a very disturbed district, was it not?—Yes.

648. Are there any Orange lodges in Crossmaglen?—No.

649. Are not the whole bulk of the people of the other way of thinking?—Yes.

650. Mr. *Baines.*] You have seen a good deal of the administration of the criminal law in Ireland, have you not?—Yes.

651. Both as to assizes and sessions?—Yes.

652. In your judgment, is the defect which you have spoken of in the jury law of Ireland, one which ordinarily affects the administration of criminal justice there, or is it only seen when agrarian outrages are the subject of a charge?—Only seen when agrarian outrages are the subject of the charge.

653. For ordinary criminal charges, do you consider that the petty jury of Ireland, as it now stands, is sufficiently constituted?—I do; I have found them, generally speaking, to do their duty in those cases.

654. With regard to the change you have suggested, you would limit the alteration in the law to the constitution of the petty jury upon the trial of a charge arising out of agrarian outrage?—I do not think it would be necessary for any other.

655. And you would make that an exception, in fact, from the general mode of trying criminal offences?—Yes.

656. And with reference to the venue, do you suggest it as at all necessary that with regard to criminal offences generally there should be the power of altering the venue, or would you limit it to cases of agrarian outrage?—To agrarian outrage.

657. Would it be desirable in every case of that kind, that the trial should take place in a distant county, or would you vest a discretion in some authority with respect to making an order for a special case?—For a special case.

658. In whom would you vest that discretion?—In the Government of the country.

659. The Government should be empowered, in any case of that kind, to direct the venue to be laid in some other county?—Just so.

660. An adjoining county or a distant county?—I should prefer a distant county.

661. Mr.

661. Mr. *Whiteside.*] When you speak of a distant county, take Armagh for instance; Belfast is about 30 miles by railway, is it not?—About that.

662. Would it, in your opinion, satisfy the requirements of the law to remove a man that short distance by railway? —Yes, to Belfast, it would; as to distance, it would depend much on the locality of the scene of offence.

663. Mr. *Baines.*] You would give the power to the Government to direct the venue to be laid in any county in Ireland, whether near or distant?—Yes.

664. Would that be likely to create any feeling of dissatisfaction generally, on account of the hardship which it might entail upon a prisoner in getting his witnesses to a distant county?—I think it might cause that feeling; but I think it is a consideration that should not weigh much.

665. Mr. *Whiteside.*] Might there not be a provision made in the case referred to by the Honourable Member, for the costs of the witnesses of prisoners taken an unreasonable distance to be settled by the legal tribunal, if there was one, to decide upon the propriety of changing the venue?—No doubt of it.

666. Mr. *Baines.*] With regard to the public-houses, you have stated that you consider some alteration in the law to be desirable; what is the precise alteration that you would suggest to the Committee?—At present I believe it is necessary, before a magistrate or the authorities can deprive a man of his licence, that three offences be committed; I think that some alteration should be made in this particular.

667. Sir *J. Graham.*] Did you not say that in this district where you now reside, 10 or 12 of the prime movers of this society meet at private houses?—Not these particular people; they are the prime movers, and they may not attend these meetings; they seldom do, unless they have some new system to impart to the others, or some question of importance to discuss.

668. Would any regulation as to the public-houses at all impede the proceedings of these 10 or 12 men who are directing the movements in your district now?—It would hereafter; at present, from the manner in which those houses have been watched, it would affect them very little; but hereafter I think it would; when there is a smaller force, and these measures are relaxed, they might fall into their old plan of establishing Ribbon lodges in these houses again; and to guard against that, I think it would be desirable.

669. Now, with the district filled with police, you, watching

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ing the movements of these 10 or 12 men, cannot, by any regulation as to the public-houses, check the direction which they give to the conspiracy?—They watch us so well that we cannot.

670. Lord *Naas.*] Do you believe that the information which the police generally possess enables them in most instances to arrest the guilty persons almost immediately after the commission of an outrage?—No doubt of it; there is scarcely a murder that has occurred in which we did not know the people; but we cannot get such evidence as will enable us to bring them to trial.

671. In most cases you have no moral doubt in your minds that you have the guilty persons in custody?—No doubt of it.

672. Mr. *Whiteside.*] In Mr. Mauleverer's case, were you present at that trial at Armagh?—No, I was not; I am aware of all the circumstances.

673. You are aware that the jury said they had no moral doubt?—Yes.

674. You saw the confession of the man in the paper since he was acquitted?—Yes.

675. Sir *J. Young.*] Are these societies generally spread through Ireland, or are they only limited to particular localities?—They are generally spread through the southern and western parts of Ireland.

676. What degree of communication do you suppose takes place between the Ribbon lodges existing in one county and those in another?—By post, I believe, generally speaking; when there is any very important thing, I believe delegates are sent from one place to another.

677. Suppose a prisoner taken for trial at a distance of 30 or 40 miles; do you suppose that there is sufficient communication between the Ribbon lodges to give the prisoner intimation as to whom he should challenge on the jury?—I believe there is; it is astonishing how well all their movements and acts are regulated.

678. Then, supposing that a society exists in the district to which the trial is removed, would not the intimidation be brought to bear upon the jurors in that locality also?—I dare say it would, but not to the same extent; they would not have the same opportunity of injuring the jurors; I do not think it would be brought to bear to the same extent as in the particular locality at all.

679. Why not, if a society existed there?—There are many

many local causes; interested motives, as I said, which influence some jurors in the particular locality.

680. Do you think that the farmers of Tipperary, or the farmers of Armagh, are less interested or less liable to intimidation, the one than the other?—I have found in Tipperary that the juries there do their duty fearlessly at all times.

681. In these cases?—In every case that came under my notice.

682. Better than the juries of Armagh?—Much better.

683. To what do you attribute that?—They are larger occupying farmers; a more respectable class of men.

684. By putting a better class of men on the juries, you might obtain your object without any change of the venue, might you not?—That may be.

685. Did you ever hear of any attempt to change the venue in former times in Ireland?—No, not in any criminal case, I never did.

686. You have no recollection of that?—No.

687. Mr. *Hatchell.*] Do you remember the case of Mr. Chambré, and do you remember hearing of the venue having been changed in his case?—Yes.

688. Mr. *Whiteside.*] If the intimidation by the society exists in another county, and the trial is removed to that county, the same causes might operate to produce the same result, that is intimidation; but with reference to all these three counties, are you aware that the distance to a place like Belfast is but small by railway?—Yes.

689. Do you believe that this intimidation would exist in such a town as Belfast?—It would not.

690. Mr. *Scully.*] You spoke of a want of legal evidence to convict these parties upon these trials, and that a failure of justice has arisen from that want?—Yes; there is great difficulty, and it is almost impossible; I do not recollect saying that the acquittal of those persons was owing to the want of legal evidence. I am sure I did not say so.

691. Are you aware of any trials where the want of evidence might have led the jury to a verdict of acquittal?—Of course I am.

692. There are cases, are there not?—Yes, to be sure there are.

693. Have there been many such cases where the want of legal evidence has been the cause of an acquittal?—Yes, very many indeed.

694. Would it be just then to accuse those juries of want of courage to give their verdicts honestly and fairly?—Be it

as

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as it may, I certainly think that they are influenced by those causes which I have assigned.

695. Notwithstanding that they have no evidence before them?—I do not say that.

696. Are you aware of any trials in the North of Ireland where the legal evidence adduced would, in your opinion, be sufficient to convict a prisoner?—In my opinion there was sufficient in the case of M'Intaggart for one.

697. Did you not state that it was the want of legal evidence that caused the failure of justice?—To a great extent; we have been unable to bring the parties to trial though we knew they were the guilty parties.

698. With regard to those two stipendiary magistrates, Messrs. M'Cance and French, are you aware what distance they were from the district in which you now reside?—Mr. French was only eight Irish miles, and Mr. Howley was only seven, I believe; and Mr. M'Cance was, I believe, 25; he was at Ballynahinch, and Mr. Singleton was within seven miles.

699. Do you think that any change in the law relating to landlord and tenant or the tenure of land, would make any difference as to the quiet or the peace of the county with which you are connected?—In the north, I think, there is a system at present, and which for many years has been in existence, which secures the right, and it is an advantage to both landlord and tenant; that is, the tenant-right system that has been for many years established there.

700. Has that been interfered with latterly in that district?—Not that I am aware of.

701. Mr. *Whiteside.*] Is it the fact that some of the best landlords have been threatened?—No doubt.

702. Lord *Naas.*] Is it the fact that on those properties the tenant-right custom is in full force?—I know of no property where it is not.

703. Sir *J. Graham.*] Does the tenant-right prevail throughout the disturbed district now?—I think it does.

704. Sir *J. Young.*] Have you the least doubt of it?—No.

705. Mr. *Scully.*] Has there been any alteration in the practice as to tenant-right in the last few years?—Not that I am aware of.

706. Mr. *Fortescue.*] Has not the tenant-right become less valuable than it was, from the change in the times?—Not that I am aware of; within the last twelve months, I am aware of a person getting 20*l.* an acre for a farm which he held without a lease, and paying 27*s.* an acre for it.

707. Mr.

707. Mr. *Scully.*] Do you think that the competition for land is as great as ever in that district?—It would be if it were not checked by this reign of terror that exists; but a third of the country is nearly waste, as I have stated before.

708. Lord *Naas.*] Do you think that this system of outrage has had no effect in lowering the value of the tenant-right on those properties?—No, I do not think it has.

709. Mr. *Fortescue.*] Are there many resident gentry in that district?—None, scarcely.

710. Are there any farmers holding farms of any size?—Yes, there are a good many.

711. Does not the district generally consist of small holdings?—Generally.

712. Sir *J. Graham.*] Without designating any one of those 10 or 12 prime movers, what is the person in the most considerable station; is he an occupier of 50 acres of land?—I believe he is.

713. Take the person of the highest station; what is his position in life?—He is a comfortable farmer.

714. Occupying land to what extent?—I should say from 40 to 60 acres, and perhaps more.

715. And in easy circumstances?—Yes; and what is more, he pays his rent better than any other tenant on the same property.

716. Lord *Naas.*] Do you think that among the 10 or 12 men to whom you have alluded, many of them are in that comfortable position?—There are about two-thirds of them in the same condition.

717. Are there any of them in the lowest position, such as labourers, and men of that description?—None of them.

718. Are they all farmers?—Yes, and shopkeepers.

719. Sir *J. Graham.*] Are they all educated so as to be able to read and write?—No; that man who is the prime mover, and who is the county delegate, and whose name I saw attached to a piece of paper found in Dundalk a short time ago, cannot read; and he is the county delegate; his name was attached to that document, and it is well known in the county, that though really a very intelligent man, he cannot write.

720. Are the majority of the 10 or 12 educated or uneducated persons?—The secretary is another of those who cannot write, and his name is also attached to the document; and yet they are men of a good deal of natural cleverness; they are selected because they cannot write, and their names

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are attached to documents knowing that they cannot be prosecuted to conviction.

721. If a case came to the court, and the question of handwriting was a cardinal point, it would fall to the ground, would it not?—No doubt of it.

722. Lord *Naas.*] Did you ever know an instance of a person in public employment being connected with this society?—Yes, I have.

723. Mr. *Whiteside.*] With regard to the education of these persons, do you recollect the education formerly possessed by the persons who were tried as the ringleaders of these confederacies; for example, Jones, in Dublin, was he a well-educated and clever man?—I do not remember that.

724. Do you recollect a person tried of the name of Houston, and do you recollect the rank in life of that person, who was tried at Carrickfergus?—No, I do not recollect.

725. Do you know this fact, that in the very best parts of the county of Antrim, where the tenants are most kindly treated and the people the most prosperous, individual cases of Ribbonism have appeared?—Yes.

726. Sir *W. Somerville.*] Was Donegal in a disturbed state when you were stationed there?—No, it was not.

727. Mr. *Caulfield.*] You have stated that 10 or 12 men are the prime movers; those persons, of course, are never the perpetrators of any outrage?—Never.

728. Who are the perpetrators; from what class do they come?—The low order of Ribbonmen.

729. Are they labourers, or are they the younger sons of small farmers, and so forth?—In some instances they are labourers and small farmers, and the sons of farmers.

730. Do you suppose that they are hired for the purpose of committing these special outrages?—They are.

731. Are they hired for the purpose, or are they selected by ballot in the Ribbon lodge?—In the first instance, whenever a murder is to be committed, a collection is set on foot, and a certain sum is made up, and those persons who are known to be the perpetrators of murders are asked whether they will commit the thing; if they refuse, and they cannot get a person, lots are drawn, and whoever it falls upon must do it; but he gets a sum of money to take him out of the country.

732. If this man were apprehended and put on his trial, his defence would be paid for by the subscription which has been

been raised in the way you have described, would it not?—Yes.

733. This is a forced contribution that they have collected, is it not?—Yes; it is from some voluntary, but from others not so.

734. What amount of individual subscription have you ever heard of being made?—I heard from very good authority that there were upwards of 250 *l.* collected in the case of the murder of Mr. Mauleverer. Collectors were sent to Liverpool, Glasgow, Belfast and Dublin; but the collectors appropriated the greater part of the money to their own purposes; 70 *l.* had been lodged in a man's hands as treasurer, in Dundalk, who was to hand that sum over to ———— when the murder was perpetrated; and another person, whom I could name, was to go to meet them, and to communicate to the treasurer, or to certify that the thing had been done. They were to have got that money, but they were taken on their way from the scene of the murder to Dundalk.

735. In the case of Mr. Chambré, do you know, or have you heard, that a similar contribution was made?—I heard so.

736. Sir *W. Somerville.*] Are you acquainted with the disturbed portion of Monaghan, which is near your district?—I am.

737. Does the tenant-right exist there?—I cannot take upon myself to say.

738. Sir *J. Graham.*] Have you any reason to know assuredly, in any particular case, what has been the price of innocent blood?—I have not, except from some of those people who gave me private information on the subject.

739. Can you state what, to the best of your belief, having made inquiries, has been the price paid for any murder?—I believe that 70 *l.* was the sum to be paid for Mr. Mauleverer's murder.

740. There were 250 *l.* collected, were there not?—Yes.

741. £. 180 was misappropriated, and 70 *l.* given to the murderers?—I believe so.

742. Mr. *Fortescue.*] A part of that was probably intended for the expenses of the trial?—A trial was not contemplated at the time, but that sum was collected; I have good reason to believe it.

743. Mr. *Bright.*] Was that collected before the murder, to form a fund to pay the murderers, or was it collected after the murder, to carry them away?—Before the conspiracy was got up. In a portion of property near Dundalk, called

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the Ballurgan estate, where Mr. Rowland had been agent, the tenants were allowed to run in arrear, and law proceedings were instituted; then the agent, Mr. Rowland, gave up the agency, and Mr. Mauleverer took that portion also of the receipts of the property. It then devolved upon him to execute those law orders, and he commenced hostilities; and on that a conspiracy was set on foot, and a subscription was raised; and finding that they could not raise a sufficient sum there, a deputation came down, and waited upon the man whom I have been describing as the delegate of the county, who could not write, and another; they mentioned the subject to them, and they approved of it. A collection was commenced there, and the assassins hired, and they agreed, for 70 *l.*, to commit the murder.

744. You state this, do you not, as a matter partly of rumour, and partly of private information which the police have?—Yes, I wish I could prove it otherwise.

745. You spoke of the tenant-right; is it the fact that this great conspiracy is on foot in your district to defend the rights which the tenants conceive they have under the tenant-right system?—No, they want more privileges; they want an extension of rights.

746. Do their objects go so far as to make the tenants the absolute owners of their farms, or only to give them what is called a fixity of tenure at the present rents?—I think their object is to have the entire control over their farms, and to be the owners of them in fact.

747. With regard to yourself, have you ever seen any manifestations of ill-will towards you on the part of the people, or are you on friendly terms with them, and do you feel pretty safe in the performance of your duties?—I am a little cautious, but I do not think I am unsafe; I do not think that they have any very hostile feeling against me; I never saw it manifested in any one way in any one of the counties that I have done duty in.

748. Mr. *Scully.*] Are you aware of any general reduction of rents having taken place in the district with which you are acquainted in the north since 1846?—Yes, I think so.

749. To what extent?—I cannot say.

750. Was it 10 per cent. on the rental?—I should say that it was much more, generally speaking.

751. Sir *J. Graham.*] Is the object of the tenant-league the maintenance of the old tenant-right of Ulster, or does it extend much further as it is now announced?—I should think it does.

752. Do

752. Does it go so far as that the present occupiers desire to be holders, subject to a quit-rent?—I think that is the ulterior object.

753. That they shall be the owners, subject to a quit-rent?—Subject to a certain rent or none at all.

754. The landlords would be ousted out of the fee, and only receive a quit-rent for their property?—It may not go altogether to that extent, but it comes near it, I believe; I do not know exactly to what extent they want to have it carried.

755. Mr. *Whiteside.*] Have you read in any of the papers these words, that what they demand in Dundalk was "an extension of landlordism"?—Yes, I believe that is the ulterior object.

756. Mr. *Scully.*] Have you read the rules and regulations of the tenant league?—Yes.

757. Do you believe that they mean extinction of landlordism in the country?—No, I do not.

758. Sir *J. Young.*] Do you recollect these words, "that the object was to obtain a fixity of tenure, subject to a moderate rent ascertained by valuation"?—Yes, I believe that was one of the rules mentioned.

759. If that is so, what is the difference between that and depriving the landlord of his property, and making the tenant owner of it, subject to a moderate rent?—I think the object is to tie him up to these regulations, and that would deprive him of all right or power over his property, and it would be entirely in the power of the tenant.

760. Supposing the objects of the tenant league accomplished to the extent that I have named, namely, "a fixity of tenure, subject to a moderate rent, ascertained by valuation," do you believe that the war as between the owners of the soil and the rest of the population would cease?—I really do not think that it would.

761. Do you believe that it would remove the evil by a single day?—I do not think it would remove the evil.

762. Sir *W. Somerville.*] With regard to this money which is collected for the purpose of murder, is it collected under any system?—There are collectors appointed for each townland, and the money is then paid in to a treasurer.

763. Is there any calculation made as to what each individual pays?—In some cases there has been by the number of acres held.

764. So much per acre?—Yes.

765. Lord *Naas.*] Have there been any strikes upon the great

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great public works, such as the railroads in this district?—Not that I am aware of.

766. Do you think that this conspiracy has at all endeavoured to affect the rate of wages of the labourers?—I am sure that it has that effect, and that if the wages were reduced it would interfere to prevent it.

767. Mr. *Fortescue.*] Has not the making of the railroad in that district had something to do with the introduction of this system?—Upon my word it had, for it brought persons of bad character from other places, and increased the Ribbon system.

768. Lord *Naas.*] Do you believe that a great number of the workmen employed upon the works between Dundalk and Newry were connected with this society?—No doubt of it.

Edward Golding, Esq., called in; and Examined.

E. Golding, Esq.

769. *Chairman.*] ARE you a magistrate of the county of Monaghan?—I am.

770. Do you reside at Castle Blayney?—Yes.

771. Have you been long acquainted with the state of the county of Monaghan?—Yes, since I have been resident at Castle Blayney.

772. Have you been connected as agent with any properties in the county of Monaghan?—Yes, I have, largely.

773. You are now the agent of the property of which the late Mr. Bateson was agent, are you not?—I am.

774. Has your attention been drawn much to the working of the Ribbon system in the county of Monaghan?—Yes, it has of late very much.

775. And to the different crimes that have been committed in connexion with that system?—Yes.

776. Could you state to the Committee your opinion of the immediate cause of those crimes generally; is there anything in the state of the tenantry, or in the dealings between landlord and tenant, that seems to you to have led to the commission of those crimes?—With regard to murder, I have particularly investigated the cases of Mr. Mauleverer and Mr. Bateson, and I could not find anything in their dealings as between landlord and tenant that led me to suppose that that was the immediate cause of the murders.

777. Have the rights of property been enforced with harshness?—Not on Lord Templetown's property; Mr. Mauleverer was only agent for a very short time; and the very year previously

viously to Mr. Bateson's murder he interceded with Lord Templetown, and got a large abatement of rent; and there was a large sum of money expended annually in the improvement of the property entirely amongst the tenantry.

778. How much was the abatement?—Three shillings in the pound; Mr. Bateson was actually at the time of his murder seeking for the same indulgence to the tenants this year as had been granted the year before.

779. Lord *Naas.*] Was that abatement independent of the sum expended on improvements?—Altogether.

780. Mr. *Bright.*] It was not a permanent abatement, but a temporary abatement?—Yes.

781. *Chairman.*] What is the general condition of the tenantry there?—It is various; some are highly respectable and industrious; and there are some townlands that are peopled by an opposite class altogether.

782. Have you observed that this confederacy exerts a great influence of an injurious kind upon the whole locality?—Upon the whole population of the country.

783. Does it prevent the improvement and the progress of the country?—I believe that if it were not for it, that part of Ireland would rapidly improve; I have not the slightest doubt of it. It has improved greatly, and I have no doubt that it would improve in a greater degree very rapidly.

784. In what way does the confederacy exert its injurious influence?—It harasses every description of people. The more respectable farmers are obliged to contribute to all sorts of funds. For instance, they are obliged to contribute to a fund for murder, and to a fund for the defence of persons taken up for murder. They are also very much under the surveillance of what we call servant boys, young men who are hired and living in the family, who are nearly to a man Ribbonmen.

785. Would that class of persons be glad to have the firm protection of the law?—I believe almost every married man, and every respectable farmer in the country who has a family, would be delighted to get rid of this present system, and to have protection from the continued interference and terror he himself is in.

786. Do you think that in many cases they are compelled unwillingly to make these contributions?—Yes, I know it. I know that where a husband has refused, the wife, through terror, has granted it behind his back, from a fear that her husband would be waylaid and beaten, or his cattle destroyed, or some harm happen to him.

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787. Are the sums raised in that way considerable in amount?—They are. I happen to have seen a list of contributions which the police found in the house of a man who was suspected of having Ribbon papers, and whose house was searched, and it astonished me to find the large sums that had been contributed. In this case it was for the defence of the men who were accused of Mr. Bateson's murder.

788. What was the amount?—This was not in the aggregate; it was only a portion of the sums that had been contributed.

789. Do you know the individuals who were named in the list?—I do, many of them.

790. Was the amount large with reference to their position?—Yes. It is with reference to their position that I speak; and with regard to their own character, I know that many of them would not have subscribed one halfpenny if it had not been from fear and the terror exercised, and also from the injury some of them surmised they would sustain.

791. What sums were opposite their names?—Very often a pound: that is contributed by a farmer holding perhaps 20 acres of land.

792. Have you observed the influence of the confederacy upon the administration of justice with regard to juries, as to inquiries before the petty sessions?—I have observed that there is great difficulty in getting evidence; the thing is almost impossible, for a magistrate to get evidence of any crime that has been committed by this confederacy, that is of waylaying, or entering a house at night, or murder, or any cases connected with Ribbonism.

793. Does that arise, do you think, from intimidation or from sympathy, or both?—From all. I can mention one case to the Committee, the case of a house being entered, where a person had taken a small farm, from which the former occupier had been removed. It was not on Lord Templetown's property, but it was on the property of a gentleman named Hamilton. A party came in, and beat the father, mother, and two sons, and they went away, threatening them that if they did not give up the land worse would befal them. There was a large party, and immediately after they got away one of the sons got out, and went to the police station, which was close by; the policemen were roused from hearing dogs barking, and they followed on in the right track, and took these men actually in flight, just as they entered into a house about two miles from the place where this occurred. They were brought before me the next day,

day, and we had evidence, first, as to the fact, and then the evidence of the servant girl who was not beaten, and who identified, I think, six of the party, but at all events she identified a large number of them, who had stood all round the room, being confederates. That case was tried in the county of Monaghan, and there was found amongst the papers a list of the persons I alluded to a few minutes ago. A defence of these men was founded on copies of the informations as taken before me, and the voluntary declarations of the parties charged; and notes of how the case was to be met were appended along with these papers; and the very parties who were beaten, and had to give the evidence, had been examined by the man whose house I spoke of, and he had drafted the evidence to contradict the evidence given before me.

794. Mr. *Bright.*] You are a magistrate of the county?—I am, and have been for 12 years.

795. Are you the proprietor of land in the neighbourhood where you reside?—To a very small extent.

796. Is the principal source of your income your agency for the property of Lord Templetown?—I am agent to Lord Templetown, likewise to Mr. Lucas, of Castle River, and I also act as agent in Dublin for ground rents.

797. Were you an agent at the time you were placed on the commission of the peace?—Yes, but not agent to Lord Templetown.

798. But in the same district?—Yes.

799. *Chairman.*] What became of the nine persons in the case you were speaking of before?—Those nine parties were put upon their trial; I think there were 11 altogether, but only six were identified by the girl, and they were put upon their trial; two of these men were subsequently charged with the murder of Mr. Bateson; and they were acquitted, all of them.

800. Have you observed, with regard to the class of jurors in the Crown courts, that they are a class that are open very much to intimidation, and to the general effects of the confederacy?—I think they are, and I think some of them are implicated in the confederacy.

801. Do you think that they are exposed to a good deal of peril, supposing that any portion of them would do their duty fearlessly?—Yes, I do.

802. You think that they are exposed to a good deal of peril in doing their duty?—Yes.

803. Has any remedy occurred to you for this state of things; any in the ordinary execution of the law that would make

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make the law more effective?—I think it is almost impossible to have a fair trial in the county, say of Monaghan, for one of these Ribbon outrages, from the intimidation that exists, and would certainly suggest that the matter should be tried somewhere else.

804. Is the general return to the Crown court as good a panel as is returned to the Record court?—Not nearly so good; I mean that not nearly so respectable a class of persons is returned on the Crown side as is returned on the Civil side; the parties for the Record court are those who come on the grand panel immediately after the 23 gentlemen who are sworn on the grand jury, and they are the more respectable class of landholders, very large farmers and merchants.

805. Are those who are returned to the Crown court in a position of life which makes them less able to resist the tyranny of the confederacy?—Yes, they are generally small farmers or small shopkeepers, who are more open in every way to improper influence.

806. Does any further suggestion occur to you with regard to having a more intelligent and independent class of jurors?—I think the present mode of returning jurors exceedingly faulty; the list is returned by an irresponsible officer, that we call the barony constable, who is removable every year, and is removed in our county every year, and a new one appointed; he is not, in nine cases out of ten, a man who can very well understand that part of his duty, and he is very likely to leave out his friends, and put on others.

807. Has he got it all in his power?—Entirely so.

808. Your attention was called to the state of the jury list by Mr. Justice Perrin, was it not?—Yes.

809. As not being in conformity with the Act of Parliament?—Yes, and his Lordship seemed to think that the magistrates had it in their power to remedy it; I have sat at revising special sessions, and we have no power unless an application be made for putting on, or striking off a name; we go through the list, and call out each name, and if any one objects, and shows a reason, being over 60, for instance, or from some natural infirmity, he is struck off, and that is what the revising magistrates only have the power to do.

810. Lord *Naas*.] You think that the revision by the magistrates at the sessions is of very little use?—Very little; that is, as to making the list better; it is very good, as it gives a man who is not fit to be a juror an opportunity of getting away, and he is not fined for non-attendance.

811. Mr.

811. Mr. *Hatchell.*] You have no power of putting a man on unless upon his own application?—No.

812. Mr. *Bright.*] Are you a native of this district?—I am a native of the county of Antrim.

813. But you have lived there for 12 years?—Yes.

814. Have you found much change in the condition of the district during those 12 years, as to the population?—Their numbers are very much diminished, nearly a third.

815. Do you observe any change in their condition?—I think that the immediate labourer is rather better off than he used to be.

816. And the tenantry?—The occupier, where he has a tolerable farm, I think is in very much the same condition that he was; the small farmer is going out certainly by degrees; the farms are becoming consolidated, and are gradually becoming less numerous.

817. What is the population, Catholic and Protestant, in that district?—I do not know, except as to the parish of Mackno, where I reside; I think at the census that was taken, the only religious census that I know of, taken some years ago, in the year 1834, the Protestants in that district were somewhere about one and a-half to one, perhaps a little more.

818. The Protestants were more numerous than the Catholics?—Yes, including Presbyterians; that is, with regard merely to the parish of Mackno. In the adjoining parish the Protestants are very much in the minority; also in the district of Armagh, immediately adjoining Mackno on the other side, the Protestants are very few indeed.

819. Speaking of the district eight or ten miles around where you live, do the Protestants amount to 25 per cent. of the population?—I could not state that positively.

820. Mr. *Caulfield.*] Most of the observations that you have been making apply to the Blayney and to the Templetown estates, do they not?—And also to others that I am as well acquainted with nearly.

821. I mean to that locality?—Yes.

822. Mr. *Bright.*] What is the size of the Templetown property; what is the average?—Somewhere about 12,000 acres.

823. And the Castle Blayney estate?—It is about 16,000 acres, I think.

824. Are there any other estates of an equal size in your neighbourhood?—There are some much larger.

825. Generally, the estates in that district are large?—No,

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No, there is an immense number of small properties in my neighbourhood.

826. Do not you call an estate of ten or 20,000 acres a large one?—Yes, but they are the exceptions. In the barony where I reside there is a large number of small properties under the old Cromwellian Debenture grants of townlands and half townlands.

827. Have you paid much attention to the subject of tenant-right?—Yes.

828. Does it prevail much in that district?—Latterly there have been a great number of tenant-right meetings held.

829. Does the tenant-right prevail in that district; a tenant being allowed by the agent or the proprietor to sell his interest?—Yes, it does, and it did to a very large extent.

830. Was the security that the tenant felt considerable under that system?—Yes; on Lord Blayney's estate I have had leases lying in my office for 10 years; they would not take them out, for they would not pay the expenses of the stamps, but they felt just as secure as if they had had them.

831. Has there been any change either in the value of the tenant-right, or in the practice of the managers or proprietors of estates during the last 12 years?—I do not think there has been any change in the practice, but certainly a change in value; the land is not of the same value as it was.

832. The witness who was examined before you stated that he had known a case within the last twelve months where 20 *l.* an acre had been given for the purchase of the tenant-right on a farm which was paying 27 *s.* an acre rent?—I do not know of anything so large as that; I know that within the last year the sums given for the tenant-right or goodwill have greatly increased in amount to what they were two or three years ago.

833. Are they as high now as they have been at any time in the last 12 years?—No.

834. How much lower are they now than the highest point in the last 12 years?—The sums given are so exceedingly various that it is difficult to come to an accurate conclusion upon that point.

835. Depending as it does, I presume, upon a great many circumstances?—Yes; it often depends upon the man who happens to be next, whether he has a fancy for the piece of land or not.

836. When did the fall in the value of the tenant-right take place; was there any fall from 1840?—It was, I think, highest in 1844.

837. Was

837. Was there any fall between that time and 1846?—Perhaps it was not so high in 1845; but no very perceptible difference. In 1846 it fell considerably.

838. Do you think that the change in value has arisen from any alteration in the value of agricultural produce, or from other circumstances affecting the condition of the district?—I think it has arisen from, I might say, a combination of those causes. What is called "conacre" has been done away with completely, and the price of the tenant-right has fallen on that account. Formerly a man worked his farm by letting a portion to a cottier; he gave him a piece for potatoes, and got so many days' work in the year for it.

839. Has that been done away with because the competition for land in that mode has diminished, or because persons have come to the conclusion that it is a very disadvantageous mode of letting it?—Because a man would not find that he had got value for his work; his potatoes might turn out to be not worth a penny; and in other parts, where a man was letting conacre, if he was to receive any portion in money, if the potatoes turned out to be of no value he would have nothing to secure him.

840. Have you attended any of the tenant-right meetings that have been held?—No.

841. Have any been held in the immediate neighbourhood?—Yes, several.

842. Have you read the proceedings?—Yes.

843. Is it your opinion that the statements that have been made there have met generally with the approbation of the tenants and occupiers who have attended the meetings?—I presume so; those who were there seemed always to cheer the speaker, and I presume they admired what he said.

844. Did the occupiers in large numbers attend those meetings?—I think they were very generally attended; they were generally held at a town, and they were attended by the people of the town. I never was at one of them, but from the reports I have heard they were not very largely attended by the farmers.

845. If the farmers did not attend them to any large extent, or take any strong interest in the subject, you would not suppose that the effects of those meetings had been prejudicial to the peace of the district?—I do not say that the farmers may not approve of the sentiments spoken there. They may not have wished many of those things carried out that were spoken about, but I think that the attendance

at

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at the meetings was generally small, and generally confined to the locality where they were held.

846. Do not the speakers at those meetings direct their audience, and the public generally, to legislation as the mode of improving their condition upon the question of tenant-right?—I think what the speakers did propose, and it seemed to take the opinion of the people, was, that there should be a valuation of the land made by the people themselves.

847. Do not their resolutions always lead to this conclusion: that they would go to Parliament to get Parliament to enact a charter providing certain things; and do not they direct the people to look to legislation as the means of obtaining a remedy?—I do not know that.

848. If you have read their resolutions, do they not approve of either a Tenant-right Bill, or Mr. Sharman Crawford's Bill, or some other, with the view of establishing what they conceive to be their rights?—They have certainly put forward certain abstract propositions, but not that they were going to base legislation upon them; I think they disapproved of Mr. Sharman Crawford's Bill at first.

849. Did they not recommend the electors to vote only for tenant-right candidates?—Yes; I think they did.

850. Then that would be with a view to those candidates coming into Parliament, and then legislating in their favour, would it not?—Yes; I do not think they recommended petitions to Parliament, generally, at their meetings until very lately.

851. Do not the speeches, the resolutions, and the proceedings of these meetings, point towards an alteration that might be judicious or otherwise in the condition of the tenantry, through the medium of legislation?—I think it appeared in the beginning of the business that they wished to impress upon the tenant that he was an unjustly used person; but I do not recollect in the first resolutions that they proposed to remedy those grievances by legislation.

852. Do not you know that the Tenant-right Conference drew up an Act of Parliament, or resolutions upon which an Act should be founded, and that subsequently they have agreed to the Bill which is now before this House?—I think lately only; that was adopted only very lately; I do not think that was the beginning of it.

853. Can you give the Committee, from your long acquaintance with this district, any real idea of what is at the bottom of this calamitous state of things?—I think it is one of the most difficult questions to answer; I believe the reason

son why those people have met their deaths has been to strike terror into the other classes, with the idea that some good to the party will result; what, I do not think they very clearly understand themselves.

854. In what way was that good to come; had it reference to questions of local or general taxes, or questions of rent, or the tenure of land, or the ownership of land?—I think it was a mixture of them all, probably; one man proposed to himself one thing, and another, another. I think that when any confederation of any kind, or any society almost is got up, this Ribbon Society seems to fasten itself upon it; and I conceive that when those tenant-right meetings were first got up, the Ribbon Society imagined that that was the time to call for a demonstration in some way or other in the country, by being, as it were, alive or agitated about this, and that there would be sympathy with them if they did so and so.

855. Are you aware of the fact that societies of this kind, in operation under various names, have existed in Ireland for 100 years past?—So I have been informed.

856. Have you observed that their mode of operation has been very much the same as is now directed against persons in the same class, apparently with the same objects, and for the punishment of what they deem the same kind of offences?—I believe they generally have been directed towards parties in some way connected with land.

857. Is there not between the owners, or between the managers and occupiers of the land in your district, a suspicion that never sleeps and a hostility that seems to know no mitigation?—I speak from my own knowledge as a manager of land for 12 years in the county of Monaghan; I would formerly have gone at any hour of the day or night over any portion of the county without the slightest fear of molestation, but I would not now leave my own house at night for any consideration without being very well armed and perhaps with other protection.

858. Is your house in a lonely situation?—No; I reside at Castle Blayney.

859. Have you resided there for some time?—For 12 years.

860. Will you tell the Committee whether you know anything of English society as between landlords and tenants?—Yes, I do.

861. You know that in this country a landlord can perform all the duties of a landlord in perfect safety, and that he can even do things which probably neither the law of the land nor moral

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moral law would altogether sanction, and that he may act with the most perfect freedom without any apprehension of such danger as you are exposed to in Ireland?—I know that he may.

862. Can you tell the Committee the source of the difference between the two countries in that respect?—I do not know; it is impossible to answer that; I could not give any answer to that question as to what the reason of the difference is, but that it does exist there is no doubt.

863. You are acquainted with the character of your now countrymen, that, generally speaking, they appear mild, humane, and generous, possessing a great many good qualities; what, in your opinion, is it that makes them savages in this particular?—I do not know, but with respect to all crime I think there is a great difference between the Irish and the English character. It is almost impossible, or at least very difficult, to detect any crime, not only Ribbonism, but almost any crime, in Ireland; there is a feeling of reluctance on the part of the lower orders to give evidence, no matter what the crime is; they would rather, as they themselves express it, that it would fall into some other hands. I have found, as a magistrate, very great difficulty in persuading persons to come forward to give evidence in a case of crime, larceny, for instance, which has been totally unconnected with the system of terror of which I have been speaking.

864. As to other offences, such as larceny or robbery, do people object to give assistance to the police?—I have known them frequently put them on a false scent.

865. Does not that indicate that amongst the people there is a great suspicion or belief that the law is something which is hostile to them, and that, in point of fact, it is what some people speak of when referring to another country; it is a sort of natural enemy that they are bound to war against?—I think there is that sort of feeling in Ireland against the law; it is exactly contrary to the feeling which prevails in England, where every man is in favour of the law, and aids it almost in every way. It appears that in Ireland crime is generally, somehow or other, the crime of the community, whereas in England it is the crime of an individual.

866. Have you observed that that feeling is more prevalent now than it was 12 or 20 years ago, or less so?—The feeling with regard to giving evidence in those particular cases into which this Committee are inquiring, is universal; and it is impossible to get evidence.

867. Then it is a universal conspiracy notoriously known to

to exist among all persons dependent upon land as occupiers or labourers?—I do not say that.

868. I do not mean that it includes every man, but I speak generally; does not that feeling exist against the law and against the proprietors?—There is a very wide spread feeling against the law and against the proprietors, and in many cases against the occupiers.

869. Have you read much of the evidence that was given before the Devon Commission?—I have read a good deal of it; I was examined myself before that Commission.

870. You are aware probably that the Commissioners state that there was no one question into which they examined on which there was such an amount of concurrent evidence as on the necessity of some alteration of the law as between landlord and tenant, which should give to the tenant some greater security than he now has in the produce of his own industry?—I do not remember that.

871. What is your own opinion with regard to your own neighbourhood; do you conceive it possible to arrange any system by law which should settle the minds of the tenants, and create a belief that the law, and yourself and others, as magistrates, were not hostile to their interests?—I do not think that any change of the law would do this. If you mean a change in the law by which they would have another tenure in their land than they have now, I do not know of any change short of a perfect confiscation that would give satisfaction to that party.

872. Amongst all those persons who advocate a change in the law of landlord and tenant, is there not a great variety of opinion; are there not some who would go so far as confiscation, and others who would be satisfied with a fair and honest measure of compensation?—I know that many men think that they ought to have the land at 5 *s.*, and others would give 10 *s.* There is no one certain scale amongst them.

873. If a measure was passed giving perfect security for a fair compensation for whatever the tenant invested as real improvements in the soil, do not you think that that would free from the general mass of discontent a very large portion of that which is most intelligent and good in your occupying population?—I should have no objection to see a well-considered measure of that kind passed; quite the contrary; but I do not think it would have the effect that many people think it would have.

874. Do not you think that in the present condition of

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things in your district, and in many parts of Ireland, it would be worth the while of the proprietors to make some large concession, if such a thing offered the chance of security, rather than live in the condition in which they now are. When I say a large concession, I mean a measure, if such a measure could be devised, which should give in the case of estates where tenant-right has prevailed, a retrospective compensation, and in cases where it has not prevailed, a full and perfect security for all improvements for the future?—I do not know how such a measure could be at all brought in.

875. Is not this matter about which I am asking you the real source of the mischiefs among which you are living?—I do not think it is.

876. Is it the religion of the district?—Partly, I think it is.

877. Is it the bitterness arising from ancient feuds between the Catholic occupier and the Protestant occupier near him?—I think there is a great deal of feeling among the lower order of Roman-catholics, that they are the owners, and ought to be the owners of the soil. I think that adds very much, or at least predisposes them very much to join any society by which they think their ancient rights, as they imagine, will be re-established.

878. You think that they carry back their claims upon the land to the period of the confiscations?—I do; many of them I believe talk over it in their houses and among themselves. Traditions of that kind are very largely discussed amongst them; and I have known some of them keep maps of the estates which they considered they ought to have.

879. You cannot account for the fact that many Protestants, if they do not absolutely join these outrages, still fully sympathise with them?—I believe the sympathy to be very often with the idea that in the state of confusion which is created from the unfortunate circumstances that have occurred after some murder, for instance, from large reductions being given, they will get the land cheaper than they had it before.

880. Are there any Protestant churches in your district?—Yes.

881. Are there many?—Yes.

882. Have they fair congregations?—There is a large congregation in Castle Blayney.

883. Is there any kind of friendly communication between the Protestant clergyman and the Roman-catholic clergyman?—Very much so.

884. Do

884. Do you think that the Roman-catholic clergymen in your district have, as much as men could be expected to do, exercised a judicious influence in order to soothe the feelings of the people, and prevent the outrages which have taken place from time to time?—There was a very large reward offered at the time that Mr. Bateson was murdered, for the purpose of apprehending the murderer; upwards of 3,000 *l.* was subscribed; there was not the name of any Roman-catholic clergyman to that list, but when a sum of money was raised for the defence, a Roman-catholic clergyman subscribed himself, and also exhorted his hearers to do the same; therefore I think an inference would be drawn contrary to that which you seem to imagine.

885. Seeing that subscriptions came in so largely that 3,000 *l.* were raised, the Catholic clergymen, not being possessed of large incomes, might be fairly excused from contributing; on the other hand, when great pains were being taken to bring to trial and to convict certain persons, might not a feeling of pity even for these misguided parties induce them to subscribe?—I do not state the reasons that induced these persons so to act. I merely state what would be the natural inference drawn by people as to what the opinions of the Roman-catholic clergy were upon the subject.

886. You are not prepared to give to the Committee any clear idea of the immediate causes of those outrages; and you cannot recommend to Parliament any new principle, or any new policy, by which the state of feeling which now exists can be removed, so as that the landlords and tenants, proprietors and occupiers, may go on harmoniously as they do in this country?—I believe that if some means were devised by which this conspiracy could be put down, so that the people felt secure, a much better feeling would exist between landlord and tenant. I believe there is every disposition on the part of both to come to a fair understanding on the subject; and as far as I know, it is the wish of every proprietor to have good tenants; and I believe the tenants are well aware when they have a good landlord.

887. With regard to the property of which you have the management, has there been any reduction of rents since 1846?—Very large sums were expended in improvements and given as a reduction; and large amounts were paid for rates which, of course, the tenants were not called upon to pay, which also was a reduction; and there was a reduction

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the year before Mr. Bateson was murdered of 3 *s.* in the pound.

888. Mr. *Fortescue.*] Has there been any reduction on the Templetown property since the murder?—No.

889. Mr. *Bright.*] Is that reduction a permanent reduction?—It was given in that year.

890. What, the 3 *s.*?—It was given in the year previous to Mr. Bateson's murder, and it was to have been given this year. He stated that he did not consider this year was much better than the previous year, and that the same thing might be done.

891. But it has not been done, has it?—No; it was the opinion that if it was done it would be like holding out a premium to assassination.

892. Is it not a most unsatisfactory state of things that a landlord should charge 15 *s.* an acre this year, 18 *s.* an acre the next, and 12 *s.* the next; and the tenants knowing that their condition, as regards rent, is one of so fluctuating and variable a character, that they are not expected to adhere to their agreements, hoping, by outrage and tumults, to produce a change in their rentals?—That has occurred in one or two places, and that has had an exceedingly detrimental effect.

893. Referring to the various reductions of rent that have taken place in the north of Ireland in the last five or six years, since the famine, were those reductions of rent to the people clear *bonâ fide* and permanent for a term of years, or were they only just an abatement for that year, to be withheld the next year if the landlords thought that the tenants could pay?—I have known many to be permanent, and a new state of things entered into between the landlord and tenant, although in many cases it was not done where the tenant had a large beneficial interest.

894. Where, and where it has been done permanently, have not the results been better than where it has been a reduction made for one year to be withheld the next?—I do not know that I can make any distinction at present. The idea was, with many persons, that the depression would be but temporary, and therefore the reduction was but temporary. It also takes some time to ascertain whether the rents are too high in the present state of things, and what would be a proper reduction. I am doing that now.

895. Have you a very much larger number of tenants on the estate of which you have the management?—On Lord Templetown's

Templetown's estate there are between four and 500 on 1,200 acres. *E. Golding*, Esq.

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896. Have you any of those persons called "drivers" on your estate?—There are two bailiffs.

897. Do they generally go by the name of "drivers"?—I do not know what they call a "driver," actually, unless it is the person called the bailiff.

898. What is the duty of that officer on the estate?—To warn parties to come in with their rents, and to go out to do various things on the estate, as directed; to see that certain things are carried out, and to attend in the office during the receipt of the rent.

899. Is the office in Castle Blaney?—It is.

900. Does the estate come up to that town?—Close to it.

901. Do those two bailiffs manage almost everything upon the estate, or are you constantly passing over it?—I am constantly there, resident there. They do nothing on the estate that I do not order to be done.

902. Has there been any case of driving or removing cattle for rent?—I have never done it on the estate as yet. I never made a distress; and they could not do it without my express order.

903. The estate, that you have now the charge of is favourably circumstanced, is it not, as compared with many other estates with regard to the number of tenants?—In a portion of it very much, and in another portion of it very much the reverse.

904. Sir *J. Graham.*] You stated with respect to land, that the feeling of the Roman-catholics was strong that they had claims to the confiscated estates?—I think there is a general feeling of that kind that pervades a great many of them. I have known circumstances that have led me to think so.

905. That would account for the general sympathy; with respect to the outrages connected with land, did not you state that larceny and robbery were regarded by the community in Ireland as crimes of a venial character, from sympathy with their commission?—No; I said that there was a reluctance that did not exist in England to prosecute for those crimes; that a man did not like to come forward and give himself the trouble to give evidence in a case of that kind; he would rather that it should fall into other hands; not from any community of feeling with the crime, but rather a sort of compassionate feeling towards the criminal.

906. That observation applies to members of all creeds, does it not?—Yes, certainly.

907. You observe in the national character of Ireland, without reference to religious differences, a distinction from the national character of England, so far as the execution of the law is concerned?—Yes.

908. That is not to be traced to religious differences?—No.

909. To what cause do you trace it?—I can give no reason for it.

910. While the sympathy in England is in general in favour of the law, without respect to religious differences, the sympathy in Ireland is in favour of crime; do you mean to state that?—I think I would not state that the sympathy was with the crime so much, in those other cases, as it is sometimes from a false feeling of humanity towards the criminal.

911. And that without reference to religious differences?—Yes.

912. It is common to all, Presbyterians, members of the Established Church and Roman-catholics?—I will make no distinction between them on that point; I would not wish to draw any.

913. You state that the objects of Ribbonism are various?—I think they are. I cannot exactly say what the immediate object may be in the various cases that have occurred, but it appears to me evident that they are willing to lay hold of anything that may happen to push on their system and their society.

914. You do not think that the tenure of land is a more favoured object than any other?—I think it has a great deal to do with it.

915. Do you think that it is a favourite object of Ribbonism?—Yes.

916. There are other objects besides land, are there not?—I think, as far as I am aware, the Ribbon outrages are almost always connected with land in some way.

917. The land question is a necessary ingredient, you think?—Yes.

918. There is no religious or political object?—That I cannot say. I have not considered it in that view.

919. Whatever the objects are, the means are common?—Yes.

920. Namely, bloodshed and terror?—Yes.

921. These are the means of universal application where Ribbonism prevails?—Yes, terror; and that terror brought on

on by bloodshed, and if not by bloodshed, by severe beatings, by maiming of cattle, and the destruction of property, and by various other ways.

922. Have you any knowledge of other parts of Ireland, except where you now reside?—A general knowledge.

923. Have the observations you have made as to Ribbonism a general application?—As far as I have known or heard.

924. You have talked of tenant-right, using the term generally; is there not the tenant-right of Ulster, the old tenant-right, as contradistinguished from the tenant-right of the League?—The tenant-right of Ulster, as far as I ever knew, was confined very much to a certain portion of Ulster. It was generally upon the large estates, where the land was low let, that the party was allowed by the proprietor, if he brought in a respectable tenant, to get from the incoming tenant a certain portion of money; in fact, the land was worth more than the rent he paid, and hence the tenant-right.

925. What the League now does is distinguished from that?—Completely so, in my opinion; what I conceive the League to demand is, a portion of the land; the thing is contradictory altogether to that which the occupier naturally has a right to as cultivating the soil.

926. As you apprehend, it is a struggle between the occupier and the owner, who shall have the fee?—Yes, it is a struggle between the owner and the occupier as to who shall have the land; I think these were the propositions put forward by the League originally, though I think latterly they have not been so strongly put forward. I have not paid much attention to their proceedings latterly.

927. With your knowledge of the rights of ownership exercised in England as contradistinguished from the rights of ownership exercised in Ireland, is it not your opinion that, under the best circumstances, the rights of ownership, as exercised in England, carry with them a much more stringent power than those exercised in Ireland?—Yes.

928. There are certain things that owners do in England, which are not generally done by owners in Ireland?—They could not be done.

929. For instance, if an owner wishes in his own neighbourhood to take possession of 10 or 12 acres for planting near his own house in England, he does it without difficulty; but in Ireland could he do that?—Certainly not; on Lord Templetown's estate it was his wish, or Mr. Bateson's

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wish, to create a model farm, and he purchased in the first instance a farm from a man who was very largely in arrear of rent, for he owed nearly 200 *l.*; he forgave him the arrears, and gave him 200 *l.* to go to America. And he purchased some smaller farms round at very nearly similar rates of the parties who held them, before he could get the land to make that model farm.

930. He had to buy up the rights of ownership over his own estate?—Yes.

931. That was a considerable portion of the fee-simple amount, was it not?—It was in many cases: in some of the smaller farms it was the fee-simple altogether.

932. Mr. *Leslie.*] What is the size of the farm now?—Nearly 200 acres.

933. Sir *J. Graham.*] Those tenants had not leases?—No.

934. They were tenants at will?—Yes.

935. Mr. *Caulfield.*] They were paid the fee-simple value before they would leave?—Some of them.

936. Mr. *Fortescue.*] Had these proceedings anything to do with the murder of Mr. Bateson, from the fact of his having, even under these circumstances, effected a change of tenancy?—I do not know that they had, from my inquiry into the subject; I took as much pains as I could, but I could not find that there was any immediate cause for it.

937. Sir *J. Graham.*] While the exercise of the rights of ownership is different in England to what it is in Ireland, is not the practice of the landlords, with respect to the outlay upon the land, different also?—It has been certainly, but it is rapidly becoming the practice in Ireland to lay out largely on the part of the landlord; on all well managed estates certain sums are given for drainage and other improvements.

938. With regard to the buildings; do the landlords build, or do the tenants build, generally?—In many cases I know it has been a sort of mutual arrangement; the landlord gave the timber and slates, probably, or in some way assisted in the erection of the buildings.

939. Is that general, or has it been until lately general?—I have known it frequently; it is every day becoming more general for the landlord to do it.

940. Where a tenant has borne a large portion of the expense of building, and is without a lease, if he falls into arrear, and is ejected, is his portion of the outlay carried to his credit or not?—I do not know of that having been done;

it

it was generally covered in the other way, by the incoming tenant paying for the improvements.

941. That is where the tenant-right prevails; but where it does not prevail, and where the tenant shall, without a lease, have laid out a considerable portion of his capital, and has fallen into arrear, upon his ejectment is credit given to him for his outlay or not?—If you take the arrears lost, I have no doubt that fully more than he ever expended is given; I do not know that any account is kept between the landlord and tenant.

942. There are what are called unexhausted improvements; if there should be any artificial manure brought on to the land, or an outlay made of a permanent character, and the tenant and the landlord either disagree, or the tenant falls into arrears, and an ejectment ensues, as a general rule, is an allowance made for those unexhausted improvements or not?—In the case I spoke of, namely, the model farm, the first tenant fell largely into arrear, and the sum given to him was much larger than any unexhausted improvements he ever could have made upon it before the landlord came upon the land.

943. I am speaking of the general rule between landlords and tenants in this district?—I do not think that any general rule prevails; it is often a matter of private arrangement between the parties.

944. It is not the general rule not to pay?—Certainly not.

945. You spoke about the jury list being returned by an irresponsible officer; have you formed any clear opinion as to how it should be framed in lieu of the present mode?—Now a list is made by which every person rated up to 12 *l.* is returned, and I think from that list a proper selection might be made by the sheriff, or some competent authority.

946. You would recommend a selection from the list?—Yes; it is much too large, and there are many on it that would, perhaps, not be fit persons to be on the jury.

947. Have you had experience of the working of trial by jury in Ireland generally, without reference to these particular Ribbon offences?—I have.

948. Do you know anything practically of the administration of justice in England?—Nothing more than generally.

949. Excepting these Ribbon offences, do you say, as between man and man, and between the community and criminals, that justice is as well and fairly administered by trial

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trial by jury in Ireland as it is in England?—I do not think it is; I do not think that prosecutions are so well got up; and I do not think the same pains are taken, in the first place; and I think the jury are much more likely to disagree.

950. Justice does not miscarry, in your opinion, in these Ribbon cases only, by trial by jury, but it frequently miscarries in other criminal cases?—I think it frequently miscarries in criminal cases, but much more frequently when there is anything of an agrarian or sectarian character in the case submitted to the jury. In any case I think that trial by jury in Ireland is very often an unsatisfactory thing.

951. Do these sectarian differences arise in juries upon other questions besides those relating to land?—I should think they did.

952. Do you ascribe the miscarriage of justice in trial by jury to sectarian differences?—I think often they have that effect.

953. If, unhappily, these should be the cause, can any mode which the law can possibly provide extinguish these unhappy differences?—The better class of jurors are much less likely to be influenced by them than the lower class. I think they are not open to the same influences.

954. The difference of religion prevails in both classes, in the higher and in the lower?—Yes, but I do not think it influences in the same degree.

955. The objection being, in public opinion, to trying the humbler classes by the higher classes only, are you of opinion that trial by jury, so administered, would be satisfactory, and give peace and contentment to Ireland?—I do not know as to that.

956. If a poor man were not tried by his fellows, but were tried by men of a higher class, though they should be of a mixed creed, would that satisfy the humbler classes?—I do not know that anything of the kind would exactly satisfy them; it is very difficult to say.

957. Would there not be just cause for discontent on the part of the humbler classes, if they were tried by the higher classes only, and would not the object of trial by jury be defeated?—When I used the words "higher class" I did not convey myself properly; I did not mean a class of gentlemen; I merely meant men more independent, and less likely to be influenced either through fear, or through being connected in some way with the prisoner, or some of the relatives of the prisoner.

958. If, in the hope of obtaining a conviction, you removed an offender from his own neighbourhood, to be tried at a considerable distance from it, would that conviction be salutary in its moral effect, or otherwise, if you obtained it?—I think it would operate very much upon the mind of a criminal, in making him think that he would have a much less chance of escape, if such a thing were done.

959. What would be the feeling in his own neighbourhood of his co-religionists?—It is so exceedingly difficult to convey to you how that operates in Ireland. I do not think that they look upon trial by jury in Ireland so much as the administration of justice, as that it is rather a lottery. A man gets off because somebody is on the jury; or he gets off because some important witness has got out of the way; or a man gets off because a good alibi case has been set up. They do not look upon the institution in Ireland of trial by jury as they do in England; they do not think it is the palladium of their liberties.

960. Then it is regarded more as a matter of chance than as a matter of justice?—Yes; there is greater uncertainty in it.

961. If, by the removal of a trial from the immediate district, you reduced the matter more to a certainty, the opinion that justice was done would not be stronger than it is now?—Not less strong than it is now; I think that it would be much the same in that respect, and very likely it would have a salutary effect in keeping persons from committing crimes.

962. It would produce a salutary terror by a greater certainty of conviction?—Yes.

963. If in a disturbed district that object were effected by courts martial, would not the terror be as salutary?—Yes, I think it would be still more salutary. I believe that if there was a power in certain districts of having courts martial, or some similar tribunal, which would try immediately upon a party being found, you would have a very little crime, the very name of it would be sufficient.

964. Or a judge without a jury?—Yes; say, for instance, that you had three or four barristers in a tribunal of that kind.

965. As it now works, trial by jury is regarded as a lottery, and not as the instrument of distributing justice in Ireland?—They do think so very much.

966. Is the general effect of your evidence this, that trial by jury is not conducive to the administration of justice in Ireland?—

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Ireland?—In the disturbed districts I do not think it is conducive to the administration of justice; and I think it has had the effect of making the people suppose that conviction will not follow crime.

967. Any attempt to alter the law of trial by jury in Ireland, to meet the cases of the disturbed districts, would interfere with the administration of justice generally, and fail to produce a really salutary effect in the disturbed districts themselves?—I did not say that. I think the plan I suggested would be an improvement on the present mode of having juries from the immediate locality of crime, and therefore I recommend it.

968. You think that it would be more salutary to provide some special mode of trial in the disturbed districts, than to deal with the law of trial by jury generally in Ireland, with a view to the disturbed districts?—I do.

Veneris, 2° die Aprilis, 1852.

MEMBERS PRESENT.

Mr. Hatchell.	Mr. O'Flaherty.
Mr. Caulfield.	Mr. Keogh.
Mr. Baines.	Mr. Bright.
Mr. H. Drummond.	Mr. Whiteside.
Lord Naas.	Sir James Graham.
Sir William Somerville.	Sir John Young.
Mr. Goold.	Mr. Leslie.
Mr. Scully.	Mr. Fortescue.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

Edward Golding, Esq., called in; and further Examined.

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969. Mr. *Scully*.] DID you not state in evidence, the last day you were examined, that you were aware that the parish priest of Crossmaglen had signed a document containing subscriptions for the defence of prisoners accused of crimes in your neighbourhood?—I did not say so.

970. You were asked the question, were you not?—I was asked the question as to whether the priests or Roman-catholic clergymen

clergymen had in every way discouraged Ribbonism, and those various crimes resulting from Ribbonism; and all I stated was the fact that I thought it was likely that the people would not draw that inference which the Honourable Member seemed to draw as to the conduct of those persons; and I stated as an instance that a Roman-catholic clergyman (as I was told, I was not there) had subscribed to a fund that was got up for the purpose of defending the Kellys, who were accused of Mr. Bateson's murder, and had exhorted others to do the same, that is, his congregation; and that no Roman-catholic clergyman had subscribed to the fund got up for the purpose of offering a reward for the detection of the murderers. I said that I thought it likely people would draw a different inference from that which the Honourable Member drew.

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971. Mr. *Keogh.*] I have before me your evidence given on the last day that the Committee met. You state that "upwards of 3,000*l.* were subscribed for the purpose of apprehending the murderer of Mr. Bateson," but that "there was not the name of any Roman-catholic clergyman to that list; but when a sum of money was raised for the defence, the Roman-catholic clergyman subscribed himself"?—I should have said "a" Roman-catholic.

972. You say "the Roman-catholic clergyman subscribed himself, and also exhorted his hearers to do the same." Did you state that from your own knowledge, or from hearsay?—I stated it from what I had been told by persons who told me.

973. It was then from hearsay that you stated it, and not from your own knowledge?—No doubt of it.

974. You wish to correct that statement, as it appears to have been taken down positively, and now to convey to the Committee that you stated it on hearsay?—The first fact I knew, the second fact I had merely from what was told me by others.

975. I do not think it fair to ask you who told you?—I do not think it would be fair, nor do I think I should tell.

976. But who was "the" Roman-catholic clergyman as to whom you stated that from hearsay and not of your own knowledge?—I would rather not answer the question publicly. If you choose I will give you the address of the gentleman, and you may ask the question if it be true.

977. You thought yourself warranted on hearsay in stating a thing positively, which it now appears you did not know positively. I ask you now to name the person who on hearsay you alleged had acted in that manner?—I am very peculiarly circumstanced. It may not be known to the Committee

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mittee that there has been a conspiracy got up against my life, and a large sum of money has been subscribed; and I do not wish anything to go forth that would have the effect of making that conspiracy more virulent than it is at present.

978. Do you consider that you are justified upon the hearsay of individuals in bringing charges of this flagrant nature against a Roman-catholic clergyman, and then to shelter yourself as you are now doing?—It was not my intention to bring a charge against a Roman-catholic clergyman, but to correct an inference that was wrongly drawn by a Member of the Committee.

979. Do you consider that a charge which you have stated or not?—I really do not consider it a charge. I did not intend it to convey a charge against any individual; but I intended to state what I understood to be the fact.

980. Having stated that of "a" Roman-catholic clergyman, and now admitting that you do not know it yourself, you will neither tell the Committee the name of the clergyman, nor the name of any person who you say told you that fact?—I am in the hands of the Committee.

981. Do you decline answering the question?—I have told you my reasons for not answering the question.

982. Both parts of the statement, both as to a Roman-catholic clergyman subscribing, and as to his exhorting his hearers, you merely had from hearsay?—Merely from persons who told me that they heard him say so.

983. Will you state the name of the clergyman who did so? You are invited to do so. Do you decline to give the name of that clergyman against whom you have made this statement?—If the Committee generally wish me to state it I will state it. I state nothing but what I believe to be the exact truth. I will not shrink from the truth at any time.

984. *Chairman.*] You have not had an opportunity of seeing your evidence, have you?—No; I have only had it just now.

985. You are reported here to have stated that 3,000*l.* were subscribed for the purpose of apprehending the murderers of Mr. Bateson?—I stated that that sum was subscribed to offer a reward for their apprehension.

986. You stated, "There was not the name of any Roman-catholic clergyman to that list, but when a sum of money was raised for the defence, the Roman-catholic clergyman subscribed himself, and also exhorted his hearers to do the same." Is there anything in that evidence as reported that you wish to correct?—The word "the."

987. What

987. What word do you insert in place of that?—"A" Roman-catholic.

988. When you state that "a Roman-catholic clergyman subscribed himself, and also exhorted his hearers to do the same," is that a matter within your own knowledge?—No; it was a matter I was told of; but the persons who told me stated that they had heard a Roman-catholic clergyman exhort his hearers, and state that he would give 5*l.*

989. You have been asked by the Committee as to the name of that Roman-catholic clergyman?—I have.

990. Are you prepared to disclose his name if necessary?—Yes, as told me; of course still on hearsay.

991. Do you feel any objection to disclose his name to the Committee?—I would rather not.

992. Upon what grounds do you feel a difficulty about disclosing his name?—I stated before to the Committee that I consider that my life is at this moment in imminent peril, and if I were to say here what might afterwards be reported and interpreted as against any particular persons, it might add very much to my insecurity, I think.

993. Mr. *Bright.*] In case the information which you have with regard to this matter, and which you have communicated to the Committee, should turn out not to be correct, would you wish to withdraw the inference with which you concluded your answer?—Of course I would wish to withdraw it. It would not bear me out.

994. Mr. *Keogh.*] You stated that a large sum of money was collected as a reward for the informer who should discover the murderers of Mr. Bateson. In what class of life were the persons who were accused of this murder; were they very poor, the parties who were tried?—They were small farmers, or the sons of small farmers.

995. Which were they?—One was a small farmer, and the other the son of a small farmer.

996. Were they not very poor persons?—They were not what would be put down as very poor persons, holding five or six acres of land.

997. Are you acquainted with the circumstances connected with that prosecution before the trial took place?—I know a great deal about it.

998. Do you know of the Crown having brought down counsel from Dublin specially for that case, in addition to the law officer of the Crown, the Attorney-general, to prosecute?—The counsel for the Crown were there, the Attorney and Solicitor

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Solicitor-general, and I think the Crown prosecutors on the circuit.

999. Any others? Do you know Mr. O'Hagan?—Yes; he was also employed.

1000. Specially for the Crown?—So I understand, and so I know, indeed.

1001. Is it not the fact that Mr. O'Hagan, in cases of that description, was usually the counsel who defended the prisoners on that circuit?—Very frequently.

1002. At a special commission, do any counsel attend except those who are brought down specially by the Crown, or are specially retained by the prisoners?—I do not know.

1003. Is it not the fact that the bar does not attend?—I saw some other counsel who did not appear to be retained.

1004. Do the bar attend at these special commissions?—I know nothing of special commissions except this one.

1005. Was there any possibility of those prisoners being defended by counsel of eminence from Dublin, unless a fund was collected to defend them?—Unless money sufficient was collected to defend them of course not, I presume.

1006. Do you believe that those men were in a condition of life that would enable them to go to the expense of such a defence as would be necessary at a special commission out of their own personal resources?—I do not think they were.

1007. Then must they not have been not properly defended if there had not been such a subscription?—I believe in cases of that kind money has been always forthcoming from some fund or other for the defence of the prisoners.

1008. Must they not have been not properly defended if there had not been some fund collected?—They must have been undefended, I presume, if their defence entirely depended upon their own personal resources.

1009. Unless some fund was collected?—Yes, or money obtained from some place.

1010. You have spoken of cases of crime in that district, and of the impossibility of obtaining convictions; do you know that the persons conducting the prosecutions upon that circuit have been considered incompetent for the work they were called upon to discharge for a long time?—I do not know that that is quite a fair question.

1011. You have given your opinion upon the state of crime; what is your opinion as to the manner of conducting prosecutions?—I am of opinion that the prosecutions have been badly conducted in many instances.

1012. Have they not been conducted by persons against whom

whom all the gentry and the bar, and the public at large, have protested as incompetent?—I really do not know as to what the feelings of the bar may have been; but as to the feelings of the magistrates and gentry there was but one feeling, namely, that they were incompetent.

1013. They were maintained by the Government notwithstanding their incompetency, were they not?—They were employed, no doubt; there has been a change latterly, however, within a very short period.

1014. Has it ever occurred to you that there has been a failure of justice by reason of the incompetency of the persons doing the business of the Crown?—I believe that frequently a case has failed from the incompetency of the persons employed, or from their want of knowledge of their case, or some reason of that kind.

1015. Putting the incompetency and want of knowledge together, do not you believe that the majority of cases have failed in consequence of that incompetency and want of knowledge?—I should not say so; I have known it both ways. I have known it frequently occur from, as I imagined, a sympathy with the crime or intimidation of the jury, and I have known it occur from the causes you have mentioned. I have known a jury who would have brought in a proper verdict, if the case had been fairly put before them; and I have known also cases where the case has been fairly put before them, and where they have not brought in a proper verdict.

1016. In your examination on the last day of the meeting of this Committee, you did not mention anything as to the cases not being properly conducted as the cause of failure?—I rather think I did; it was not so put to me, otherwise I should have stated it explicitly.

1017. Did the magistrates or grand jurors, or jurors, or any persons, ever represent to the late Government that their law officers on the circuit were incompetent to the discharge of their duty?—Do you mean as a public body?

1018. No, as individuals or otherwise; was the matter ever brought under the notice of the late Government?—Not to my knowledge.

1019. Have you heard that that was so?—I have heard of the thing so frequently talked of, that I think it must have been brought under the notice of the Government by some means or other; I am not aware of any specific act by which it was done.

1020. Do you say that that was a matter of public notoriety?—I think so, certainly.

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1021. Did that exist for a series of years?—I think it has existed for a considerable time.

1022. Those special commissions are conducted at very great expense, are they not?—I think, of course, it must be so.

1023. You have frequently had them in that part of the country, have you not?—Never that I know of; never but one that I know of.

1024. You have heard of the Attorney-general going down to prosecute more than once, or the Solicitor-general, Mr. Brewster?—I recollect Mr. Brewster being sent down to prosecute in Gray's case.

1025. Have you not seen the Attorney or Solicitor-general of the day prosecuting at some assizes?—I do not recollect but the case I have mentioned.

1026. Are there, as you know and believe, persons perfectly competent upon the circuit to do the business of the Crown?—There are as eminent men on the North-east Circuit as are to be found at the bar.

1027. And they were not employed by the Crown?—Sometimes.

1028. Not regularly?—No.

1029. But the incompetent men were regularly employed, were they not?—There are, as I understand, what are called Crown prosecutors always employed.

1030. Were they not, on that circuit, the most notoriously incompetent men that could be found?—I know that they were considered incompetent.

1031. Mr. *Hatchell.*] What assizes on the Northern and Eastern Circuit have you been in the habit of attending?—Monaghan, for the last 12 years.

1032. Have you attended at Dundalk at the assizes regularly?—I have been occasionally there; I have no business there particularly.

1033. Are the Committee to understand that your observations with respect to those prosecutions as to which you have been examined, are generally speaking confined to what you have observed at your own assizes at Monaghan?—Wholly so; but I was asked as to what I heard other people say; I have heard it from other parties as well as Monaghan gentlemen.

1034. You stated, did you not, that lately there has been a change with respect to the Crown prosecutors?—There has.

1035. I believe Sir Thomas Staples has been the senior Crown prosecutor on that circuit for several years?—He has.

1036. A gentleman

1036. A gentleman of the name of Hanna had been the second Crown prosecutor for several years, had he not?—Yes, as long as I remember.

1037. Are the Committee to understand that the answers you have given apply to these gentlemen as the Crown prosecutors?—I think it is rather invidious to name men, but I must say that it is my opinion that they were not the best that could have been selected.

1038. These were the persons?—Yes.

1039. Since Mr. Hanna's death, do you know who has been appointed to your county?—Mr. Kiernan has been.

1040. What is your opinion of that gentleman as a man of ability and knowledge of his profession?—He is a very great improvement on Mr. Hanna, and I think he is very competent so far as I have had opportunity of observing.

1041. Mr. *Keogh.*] How long has he been appointed?—On Mr. Hanna's death, a circuit or two ago.

1042. Mr. *Hatchell.*] Do you remember on a former occasion Mr. Blackburne, the present Lord Chancellor of Ireland, being down on the prosecutions in the year 1844 at Monaghan?—I do not recollect that he was down; he may have been; I recollect perfectly Mr. Brewster's being down, and I remember many eminent men at the bar being brought in at various times.

1043. Mr. *O'Flaherty.*] You have alluded entirely to the fixed prosecutors?—Yes.

1044. These fixed prosecutors have been going that circuit for a series of years, have they not?—As long as I can remember.

1045. Sir *William Somerville.*] Do you know how long?—No, I do not know, but I remember 12 years.

1046. Mr. *Hatchell.*] For the last 12 years these gentlemen have been the permanent Crown prosecutors?—Yes.

1047. Including all administrations?—Yes.

1048. Mr. *H. Drummond.*] You have spoken of subscriptions for the defence of prisoners; do you consider it wrong for rich men to provide for or to contribute towards the defence of poor men who cannot defend themselves?—That is a very general question; I would not, in a general point of view, think it wrong.

1049. Would there have been funds provided for the defence of those men from other sources, supposing there had been no subscriptions in their immediate neighbourhood?—I know that when these two men were tried on a former occasion there was no public subscription for their defence, yet

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ample funds were provided. I believe the conspiracy have funds in their hands, or that they manage to get them for that purpose.

1050. They are not raised in the immediate neighbourhood?—No.

1051. Mr. *Fortescue.*] If the offence with which these men were charged had been something quite unconnected with agrarian outrages, would any collection have been made?—No.

1052. Do you consider the fact of a collection being made for this particular offence as a proof of the sympathy of the neighbourhood?—Yes; and many a person has subscribed through other means as well as sympathy; from terror.

1053. Mr. *O'Flaherty.*] Must not the funds on the first occasion have been furnished by the prisoners themselves?—I have every reason to doubt it. It must be in the recollection of the Committee, at least I wish to press it upon the Committee, that in these matters I cannot give legal proof of everything I say as to these funds.

1054. Though a man might have funds for one trial, if he were put immediately afterwards upon a second trial his funds might be exhausted?—Yes; but I have no doubt that the money that was supplied for the defence of those persons on the first trial was not their own money.

1055. Mr. *Scully.*] You have known the county of Monaghan for 12 years, have you not?—Yes.

1056. Are the tenants in that county generally prosperous?—Generally, I think that the tenants are as comfortable as in most of the northern counties.

1057. Have there been many evictions?—I believe there have been a large number in the southern part of the county, but I do not think that there have been more evictions in the portion which I know best than there have been over the north generally. Since the famine a great number have gone off voluntarily; some have run away, and a great number have gone off from the pressure of the times.

1058. Are you acquainted with Mr. Shirley's property in the barony of ?—Yes.

1059. Have you heard how many evictions have taken place there?—That is what I alluded to when I spoke of the southern part of the county.

1060. Have you heard that the agent's life has been threatened?—I have heard that he has been threatened frequently.

1061. How long since?—I understand that he has had threatening

threatening letters. I really could not state when I heard it first. I have heard lately very frequently of his being one of those men who are called marked men.

1062. Has the present agent been long in the employ of Mr. Shirley?—Yes, several years.

1063. Who was his predecessor?—Mr. Trench.

1064. Are you aware that he gave up the agency?—I believe he and Mr. Shirley did not exactly agree as to the mode of carrying out improvements. I really do not know. I only heard that.

1065. Have you heard that it was because he disapproved of the evictions that were going on on that property?—I have not.

1066. Do you know the Marquis of Bath's property?—Yes.

1067. Have there been many evictions on that property?—Not many until very recently.

1068. Has there been a change of agents there?—Mr. Trench is now the agent, the same person as was agent to Mr. Shirley.

1069. Was there any reason for the change of agency on that property?—I cannot say. I know that Mr. Kennedy resigned, but whether he resigned voluntarily or not I really do not know.

1070. Do you know Sir William Verner's property in the county of Monaghan?—I know very little of it. I have seen a portion of it.

1071. Have there been many evictions on that property?—I know nothing at all about that.

1072. Are you aware that the evictions in that county have caused a great deal of dissatisfaction, and a great feeling of insecurity among the people in the district?—Not in the portion of the county that I know of my own knowledge. I may have heard that dissatisfaction has existed, as I said before, in the southern portion of the county from evictions, but I do not know of any feeling on the subject in the barony of Cremorne.

1073. As to the estates with which you are connected yourself, for which you are agent; have those estates been revalued lately?—Meaning Lord Templetown's estate; it has not.

1074. Are those estates very heavily encumbered or encumbered at all?—I do not know.

1075. Are the estates of the county generally with which you are acquainted largely encumbered or not?—No doubt there are some encumbered estates in Monaghan.

1076. Are there any in the Encumbered Estates Court at

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the present moment?—One or two. I think only one estate of any consideration is in the Encumbered Estates Court, so far as I know.

1077. Mr. *Bright.*] Has much property in that district changed hands during the last few years?—No; some small properties only.

1078. Have those large properties been in the hands of the present proprietors and their families for several generations?—Yes.

1079. Generally speaking, are the owners resident on their properties?—Many of the proprietors are absent, and many are resident.

1080. Are the large proprietors absent or resident?—Some of each.

1081. Would you say that the majority were absent or resident, speaking of the proprietors of the largest estates?—I think they are about equally divided.

1082. What is the mode by which the agents of properties in your neighbourhood are paid for their services; is it by a fixed salary, or by a per-centage upon the net amount cleared from the estate?—Both modes prevail. I think it is more general on a large estate to pay by salary. There is generally a residence with the office of agent and a fixed salary; that is the more usual way. Smaller properties, and receiverships under the court, are all the other way; that is, a poundage is paid on the receipts.

1083. Are there any properties in that district under the court and under the care of a receiver?—Not many. There are some small ones only.

1084. *Chairman.*] Are they the properties of minors?—Both of minors and encumbered property; and there is one or two encumbered properties that have been sold very lately.

1085. Mr. *Bright.*] Is the land of that district, taking a circle of ten miles around you, in the hands of Protestant proprietors or Roman-catholic proprietors?—Generally speaking, in the hands of Protestant proprietors.

1086. Is four-fifths of it in the hands of Protestant proprietors?—Fully that, or more.

1087. Nine-tenths of it?—I should say so.

1088. You spoke of a townland or townlands, where there were a good many small proprietors?—I stated that there were in my own immediate neighbourhood a large number of small properties held under the original Cromwellian debentures, consisting of townlands, half townlands, and two townlands,

lands, and they are almost, I may say universally, in the hands of the descendants of those men, who are certainly all Protestants.

1089. Are those men who are now the owners of these properties generally Protestants?—I may say universally. I do not know of an exception.

1090. Speaking generally, you would say that the Roman-catholic population of all that district lives upon the land and cultivates it, but is not to be considered in any considerable degree as the proprietors of the land?—There are some Roman-catholic proprietors, but not a very large number. There are more Roman-catholics who have an immediate interest in the land, but they are more generally people that have long leases; leases for lives renewable for ever.

1091. Are they in many cases middlemen, or does that system not prevail in that district?—We have hardly anything of the kind.

1092. What is the proportion which the Protestant population bears to the Catholic population, as far as you can answer?—I answered that the last day I was examined; that in the parish in which I live the Protestant population by the census of 1834 was about one and a half to one of the Roman-catholics. In some of the adjoining parishes in the county of Armagh which immediately adjoins my parish, the Catholic population is very largely preponderant.

1093. Do you conceive that it is a fact which in some degree explains the state of things in your district, that the Catholic population forming in many places the large majority, have not become by any means to any extent the proprietors of the soil, the soil still remaining in the hands of the Protestant proprietors?—I do not believe that the tenants of Roman-catholic proprietors are a bit less likely to be mixed up in the Ribbon conspiracies than the tenants of Protestant proprietors; there is not the least difference. The most extensive Roman-catholic proprietor in the district was shot in his own hall as he was passing across it.

1094. In reference to the sectarian feelings and the animosities which have prevailed, do not you think that it is one of the unfortunate elements in your social condition that the proprietors are almost universally Protestants, and that the majority of the population are Catholics?—I never considered that question, nor never considered it in that light; but it may be so.

1095. Do not you imagine that if the proprietors of the soil, and the clergy, and the population itself were all of one

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religious persuasion, that is, all Catholics or all Protestants, there would be a much greater chance of harmony in your district than there is now?—I really never contemplated such an extraordinary revolution as that would be. I do not know how it would act, nor do I see the use of putting impossible cases.

1096. Have you not stated that, amongst the elements of discord, one element is the difference of religion which prevails, and the animosities that have arisen out of that; the fact being that the proprietors are mostly of one religion, and the bulk of the population of another?—I think you strain my former answer further than I intended it to go. I said I thought that the feeling existing amongst the Roman-catholic population was that the soil had once belonged to them, and that that had something to do with the state of crime in my district. That they were in fact the original proprietors and owners of the soil, and that that feeling was still to a certain extent existing.

1097. Have you ever lived in England?—Only for a short time.

1098. Have you been accustomed to visit any of the counties in England, and seen the state of society in them?—Yes.

1099. You are aware, are you not, that in this country there is a very gradual stepping up, from the humblest to the most elevated class, or down from the most elevated to the humblest, and that we have here a very large middle class which serves to dovetail society together; is there many of that middle class that is to be compared to ours, existing in your district?—There are a good number of men of that description; those men that I spoke of, who are descended from Cromwell's followers, and who, generally speaking, farm the whole of the land that they themselves possess; I would speak of those as a middle class.

1100. What would be the extent of their farms?—From 50 up to 200 acres Irish; nearly 500 acres English.

1101. Are there many of that class?—Yes; there are a good number of men also who hold large farms by lease, and some who hold at will; very respectable men, and very much answering to the English farmers, not of the richest class.

1102. Are you aware that of that particular class there are more in your district than in other parts of Ireland, in the counties of Monaghan and Armagh?—Yes, there are more than in many parts of Ireland that I am acquainted with.

1103. Has it ever occurred to you, if by any circumstance the large properties in your district had been more divided; I do not mean by force of law; but if the land had been much more

more easily saleable, if the titles had been clearer, the incumbrances less, the cost of transfer less, and if, in fact, the land could be sold as stock is sold, or as any goods in a market, that the stimulus to industry would have been greater, and that your population might have been, sociably speaking, in a better condition than it is now?—I am not prepared to say that dividing large properties into small would be a gain to the immediate occupying tenant; I think in many cases it would be the reverse; but I think that facilities for the sale of land, getting rid of incumbrances, and rendering the sale more easy, would be exceedingly desirable.

1104. Is it your opinion that it would add to the number of years' purchase at which land could be sold?—I think so.

1105. Would it not introduce a much larger number of persons as competitors in the purchase of land if the transfer were made more easy, and the land were sold in smaller quantities?—Yes; I think that a small property generally, when sold, commands a higher rate of purchase than a larger property. I think, generally speaking, that properties that have been sold in lots have fetched better prices than those which have been sold in one; either from the fact of a greater number of persons having the means to purchase, or from parties in the immediate locality being desirous to obtain property where they live, and having the means to purchase it. I think that anything that would render facilities for making contracts between landlords and tenants, and introducing more of a commercial relation between them; in fact, treating the land as a commodity that the one had to dispose of and that the other wanted the use of, would be a great improvement on the present system, and tend much to the rapid development of the resources of my part of Ireland.

1106. You have described to the Committee the characters of certain persons, the number of acres they occupied, and so forth. I hold a paper in my hand that gives the particulars of one of the estates in your neighbourhood, that in some of the townlands the acreage of the farms would be in some cases 17 acres, in others 12, and in others 20 acres, and so on. Do men of that class ever become proprietors of land in your district?—Very rarely.

1107. If one of them who occupied a farm of 20 acres, had saved 500*l.*, or 1,000*l.*, or 1,500*l.*, and he had an ambition to become a proprietor of land in your district, would he find much difficulty in gratifying that ambition?—It is rarely that there are properties within the reach of that sum.

1108. Did you ever know, in the last 12 years, excepting what

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what has taken place through the Encumbered Estates Court, 10, or 20, or 50, or 80 acres of land being sold to any person who had been in the position of an occupying tenant?—Yes, one or two instances. But I have known a good number of instances in which a piece of land of that size has been sold to a man who was not a mere occupying tenant, but who dealt in cattle, or kept a shop in a small town.

1109. Were those small portions of land that were thus sold farms that arose out of these Cromwellian grants, or were they portions of any large properties?—They were small properties with various titles; I think frequently they were what we call in our country leases for lives renewable for ever, held under the larger proprietors; say a townland held under a lease for lives renewable for ever, by which the lessee pays a small headrent and a small sum on the renewal of a life.

1110. Among the large properties that you are acquainted with, do you recollect one of those proprietors selling for any purpose whatever any portion of a field or a few acres of his estate?—I have known land sold or granted for the purpose of building schools and for building Roman-catholic chapels, and for building churches and for various other matters, for burial-grounds.

1111. I do not allude to that, but to the land being sold for the purposes of occupation?—I do not remember any large proprietor ever selling a farm.

1112. Supposing that any person wished to buy a small property of that kind, and imagine still further the proprietor willing to sell it, would not, under the present circumstances of Ireland, the cost of the transfer amount to a very large proportion of the actual purchase-money?—I cannot answer that question; I do not know much about that.

1113. Is there much bog-land in your district?—Not very much; it is very much cut out; there was.

1114. Is there much waste land?—None; not that has never been cultivated, except portions of bog which are used for turbary.

1115. Is it not the fact that the land in your district is the principal material out of which the people live, or have you any considerable manufactures?—Very large linen manufactories.

1116. Near you?—Yes; we have several spinning mills within four and five and seven miles.

1117. Taking the population generally, they are a cultivating population, are they not?—Yes; the population immediately around Castle Blayney is to a great extent agricultural, but they

they are also weavers, many of them, that is, mixed up with agricultural work; there are a couple of looms going on in a house very often.

1118. Do not you conceive that the industry of your population would be more stimulated, more steady and better rewarded, and the order and tranquillity of the district more secure, if the whole surface of your country were made more available and more transferable, and your population itself were to become gradually, through their industry and through their purchases, the proprietors of the soil out of which they live?—I really do not know; in the present condition of the agricultural population I think the thing would be impossible; they have not the means of purchasing the fee of even a very small farm.

1119. Have you ever known any cases in which an estate has been thrown into the market and offered to the tenants?—I know of a case where it was proposed to be done.

1120. With what result?—An inquiry was directed to be made, and I made it myself; the object was to know to what extent a large estate, if offered for sale to the tenantry, would be taken, and the result was nil.

1121. They could not take it?—No, nor would not, many of them; I do not say that it was ever offered; it was a scheme by which it was supposed the estate might be sold, and a large sum realised; it was an idea that an English person had, that it might be done, and I was asked to ascertain how far the occupying tenants would become proprietors, if the land were offered to them.

1122. Do not you conceive that the result might have been different if an offer had been distinctly made to them?—It was never made one way or the other; it was merely to inquire and to report.

1123. Are you not aware that in several parts of Ireland estates have gone through the Encumbered Estates Court, and have been sold to the tenants at very good prices, and that the tenants have been delighted to become proprietors?—Yes, in many of the grazing counties; they are generally richer there.

1124. During the last 12 years, have you known of any tenants in your neighbourhood saving money;—Yes, I have; from 500 *l.* to 2,000 *l.*

1125. You state that they would save, the best of them, from 500 *l.* to 2,000 *l.*?—Yes, and more.

1126. What do they do with that money when it is saved?—Many of them add to their farms, or take another farm, and many

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many of them send their sons to various professions; they very often make a surgeon of one son, and an attorney of another; and sometimes they take farms for the other sons, or send one or two to America; and sometimes they become proprietors to a small extent.

1127. Have you known farmers who have saved money in that way, who have invested it in the funds?—I do not think I ever knew of its being invested in the public funds, but numbers have invested their money in a temporary way in the joint-stock bank on what are called deposit receipts, on which they get interest.

1128. Those who save so small a sum as from 100 *l.* to 500 *l.*, would not be likely to send their sons to the learned professions; what do they do with their small earnings?—They very often invest it in the way that I spoke of, on a deposit receipt, and they keep it for many purposes of the family; for instance, the portioning off of a daughter, or something of that kind.

1129. Supposing that land was as saleable as stock, as I have intimated it might be made, does not it appear to you that almost every farmer who had saved a small sum, would be very much disposed, if a plot of land was to be sold in his neighbourhood, to lay hold of it and become a proprietor?—My experience leads me to think that the parties who would chiefly purchase, if it were as you state, would be the parties who had not made their money on the land. I think that the desire of becoming proprietors of land exists more with those who are engaged in commercial pursuits.

1130. Does not that happen because the possibility of acquiring land to the tenant appears so remote?—I do not know what is the cause exactly; certainly I think that is the feeling; but it is a very difficult question to answer; I have not thought of it very much before.

1131. You conceive yourself, do you not, that the great competition that has prevailed for the occupation of land has been one of the mischiefs of your country?—Yes.

1132. If that competition for the mere occupation of the land prevailed, do not you think there would be a great competition for the purchase of land?—I think the competition would be very general.

1133. Would you say that one mode of improving the condition of your own district would be that land should be made as free to purchase in the markets, as it is possible to be made?—I stated before, and I repeat it, that I think anything that would

would make the transfer of land easy, would be a great improvement upon the present law.

1134. Lord *Naas.*] You have stated that there are several small properties in your district, as well as some very large ones?—Yes, a very large number of small ones.

1135. What is the general condition of the tenantry on those properties; is it better on the large or on the small properties?—On the large decidedly.

1136. In the time of the famine, was the distress more felt by the tenants on the small properties, or by the tenants on the large properties?—By the tenants on the small properties; they were the persons who much the most frequently sought relief.

1137. Has there been much emigration from your district?—Yes, very much.

1138. Do the tenants generally emigrate at their own cost?—It is done in both ways; they have been assisted frequently.

1139. Have they been assisted most by the large or the small proprietors?—By the large proprietors more generally.

1140. Do you think that there is a general wish among the occupiers and tenants to become, if possible, the proprietors of the farms that they hold, by purchase?—I can only give the instance that I spoke of; I do not think that there is a very general interest felt in the matter.

1141. Do you think it is generally their wish, if they have made money, to add to the size of their farms, or to purchase the farms which they hold?—A person who has made his money, as an enterprising and industrious tenant, will almost always wish to add to the size of his farm.

1142. Rather than purchase the small farm that he holds?—Yes, I am sure that he would.

1143. Mr. *Fortescue.*] Are you aware of a circular having been lately published, by the agent of the Marquis of Bath's estate, addressed to the tenantry, on the subject of emigration?—Yes.

1144. What was it?—It was offering the means of emigration to those who were in arrears of rent, or, indeed, to any tenant, a free passage, certain quantity of clothes, provisions, and money.

1145. Are you aware that it contained words to this effect: "As the greater number of you are in arrears six years' rent, you must not expect an additional sum in hand, when you arrive at your destination"?—That was the second circular.

1146. There was a circular of that sort?—Yes.

1147. Mr.

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1147. Mr. *O'Flaherty*.] You answered a question that was put to you by the Secretary for Ireland, as to the comparative distress upon the large and small properties; you, of course, did not mean to give that as a general answer?—I did.

1148. Then are we not to place reliance in all that has been stated about the great distress upon the Farney estate, in the county of Monaghan?—You must take me as speaking only of that portion of the country that I know of my own knowledge.

1149. You know the county of Monaghan, do you not?—Yes; I was a very active member of a great number of those relief committees; I only state what came before me.

1150. You have heard of the barony Farney, have you not?—Yes.

1151. What do you know, from hearsay, of the distress upon the Farney estate; has it been as great on that large property as it has been upon small estates in the same neighbourhood?—They adopted a mode quite different in Farney, at the time of the relief works, from what was adopted in other places.

1152. Do you mean to apply your answer generally, or do you mean that there are any exceptions?—I apply it to the part of the country which I know; I think that there has been a great deal of distress in Farney.

1153. Mr. *Whiteside*.] You have been asked about the Crown prosecutions on the circuit?—Yes.

1154. How many years have you been acquainted with that circuit?—Twelve years.

1155. Do you remember Mr. Tomle as the Crown prosecutor?—No, I do not; he was not the Crown prosecutor, except casually.

1156. Have you seen him prosecute?—Yes; I stated before that I had known some of the more eminent counsel taken in occasionally.

1157. Could there be a better prosecutor than the gentleman I have alluded to?—Neither a better prosecutor nor a better defender.

1158. You were asked about Mr. Hanna; he is dead, is he not?—Yes.

1159. Was he not for a short time only in office?—He was in office when I first came to reside in the county of Monaghan.

1160. In what capacity?—As assistant Crown prosecutor to Sir Thomas Staples; if I recollect rightly, I think the first time I ever was on the grand jury, the persons who prosecuted for the Crown were Sir Thomas Staples, Mr. Hanna, and a gentleman of the name of Andrews, who is now Queen's counsel.

1161. Have

1161. Have you ever read a lawyer's brief?—I do not know that I ever have.

1162. Does not the management of a case very much depend upon the information which the barrister receives, and the mode in which a case has been got up?—I think it does.

1163. And does not the getting up of that case depend upon the capacity partly of the stipendiary magistrate to do his duty, and partly on the industry and intelligence of the attorney for the Crown, who prepares the materials?—Yes, and partly on the constabulary.

1164. If they fail, the lawyer must draw upon his imagination for his facts, must he not?—If they fail in presenting a proper case to the lawyer, it is impossible for him to make good what they leave out.

1165. Did you ever see, in the 12 years of your experience, these gentlemen take any unkind or harsh view of a case as against a prisoner in any of those political cases which have occurred?—Never.

1166. If they erred at all, it was on the other side?—Yes.

1167. Being the officers of the Crown?—Yes.

1168. Is it your opinion that a local attorney acquainted with the country and the people, would get up a case better or worse than the Crown solicitor who goes down from Dublin for a few weeks twice a year?—I am certain that if there were a local attorney of ability and character who would apply his talents and ingenuity, and be on the spot at the time that an outrage was committed to assist the magistrate in getting up the case, as he would know best the evidence that was required, it would be a very great improvement on the present mode.

1169. On the death of Mr. Hanna, how many Crown prosecutors were appointed?—I believe one was appointed to each county.

1170. You are not acquainted with any other county than Monaghan?—Not as to the conduct of prosecutions.

1171. There is nothing in point of fact to prevent the Crown employing the best men on the circuit?—Not that I know of.

1172. You have been asked about absentees; I believe some of the largest proprietors are English absentees, are they not?—The largest absentee proprietor is the Marquis of Bath; he never resided on his property.

1173. Or any of his predecessors?—Not that I ever heard of.

1174. You

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1174. You have been asked whether people can purchase land; do you know that at the present moment there are 500,000 acres of land for sale in Ireland?—I have heard so in the Encumbered Estates Court.

1175. In your district, from your observation, do the men of real industry and propriety prosper as in other parts of the world?—No doubt of it.

1176. You have stated that it would be an advantage if the tenant and the landlord could understand the commercial relation existing between them; is the tenant at present, according to your observation, of opinion that he has a right to the possession of the land in many cases, irrespectively of any contract or as against any contract?—I do think so, and that was one of the reasons why I stated that I thought the nature of the tenancy was, generally speaking, a hindrance to that understanding between the parties.

1177. And he is instructed that it should be so, is he not, by the newspaper?—Yes, certainly.

1178. You have stated that a great number of persons hold under leases for lives, renewable for ever; I presume you are aware that that may be converted into a fee farm rent?—Yes, and that has been largely taken advantage of.

1179. The population of Monaghan is considerable as compared with the counties in the south and west, is it not?—It is.

1180. And the population of the neighbouring county of Armagh is very dense?—It is the blackest portion on the railway commissioners' map.

1181. Is there not a great quantity of food raised in Armagh, as compared with some of the great counties, such as Galway?—Yes.

1182. And there is a great deal of industry in Armagh?—Yes.

1183. There is not so much grazing land as in those counties where the people are cleared away?—Not so much, nor nearly so much.

1184. How many hundred thousand females have employment in the province of Ulster, in the linen mills, muslins, and things of that kind?—I do not know, but it is enormous, quite extraordinary.

1185. And they have all these means of employment?—Yes.

1186. There is a good deal of weaving in your district, is there not?—Yes.

1187. Will you state to the Committee, in reference to the management of land in your district, whether you have witnessed

nessed any act of cruelty or oppression perpetrated by the owners of land on the people, or have you yourself ever acted in that way?—I am not conscious of ever having done such a thing, nor do I know of any one single instance that I could name; not a single instance of cruelty or oppression.

1188. Mr. *Baines.*] If you turn to answer 804, you will find that you expressed an opinion as to the constitution of the petty jury in Ireland, that it was at present defective, and you stated that there were two different panels returned to trial at the assizes, one for the Record Court, and the other for the Crown Court?—In point of fact, there are three returned; the grand panel from which the grand jury is taken, the record panel from which the Nisi Prius jury is taken, and then there is a panel for the Crown Court.

1189. Who makes that arrangement; who assigns a different panel to the Crown Court from that which is assigned to the Record Court?—I do not know exactly, but I believe the sheriff.

1190. Are you aware that in this country one and the same panel is used for both courts; the clerk of arraigns in the one court has exactly the same panel as the clerk at Nisi Prius in the other court; the same men are called in both courts; and a man serving in the Crown Court on Monday may serve at Nisi Prius on Tuesday; is that so in Ireland?—No.

1191. Do you know of any reason why that should not be so in Ireland, as the law now stands?—No, I do not.

1192. As far as you are aware, it is the sheriff who arranges it in Ireland?—Yes, it is from the jurors' book, which is made up by the magistrates from lists handed in to them, that the sheriff makes out his panels.

1193. You stated before, did you not, that they are a more intelligent and independent class who are generally called upon to act upon juries in the Record Court, than those who act upon juries in the Crown Court?—Yes.

1194. If that alteration which is now suggested were made, and if the difference were done away with, there is no reason as the law now stands, why you might not have as intelligent and independent a class of jurors in the Crown Court as in the Record Court?—No; and I think it would be a great improvement to have but one panel.

1195. Mr. Justice Perrin found fault with the magistrates, and told them that they had it in their power to remedy that, did he not?—Yes; I understood him so; but I think he was mistaken.

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1196. You are aware that he expressed that opinion?—So I understood him.

1197. As the law now stands, you see no reason why there should not be as independent and intelligent a class of jurors in the Crown Court as in the Record Court?—It would be very desirable to have but one panel.

1198. You stated that you could not get a trustworthy jury in the Crown Court; that they were under the influence of intimidation; over what portion of the county of Monaghan does this sad state of things extend; what portion of the whole; a quarter of the whole?—The Ribbon conspiracy, as far as I know of it, is actively in operation in about a fourth of the county. There are many Ribbonmen in other parts; the conspiracy is there, although it is not so apparent.

1199. I suppose there is the same right of challenge on the part of the Crown and the prisoner, as to any juror they may consider objectionable, in Ireland as in this country?—The prisoner has a right to 20 peremptory challenges, and the Crown, I believe, can challenge indefinitely, but there is some rule, as I understand, against their exercising that right.

1200. You expressed an opinion that it might be desirable to give the power of trying a prisoner charged with an agrarian crime, in some other county than that in which the crime was committed?—Yes.

1201. Are you aware what provision is already made upon that subject?—No, I am not.

1202. Is it in Ireland, as it is in England, that the Court of Queen's Bench, upon cause shown, has the power to order a trial in any adjoining county?—I never heard of it in a criminal case.

1203. Take the case of the county Monaghan. Tyrone is one of the adjoining counties, is it not?—Yes.

1204. And Fermanagh?—Yes.

1205. And Cavan?—Yes.

1206. And Meath?—Yes; and Louth and Armagh.

1207. As the law now stands, would the Court of Queen's Bench, upon cause shown, have the power of ordering the trial of any man charged with an offence in the county of Monaghan, to take place before a jury, either in the county of Tyrone, Fermanagh, Cavan, or Meath?—It may be so, but I do not know it of my own knowledge.

1208. You stated, in answer to a question put by Sir James Graham, that prosecutions were not so well got up in Ireland as in England. (Question 949.) Was that a general observation?—Yes.

1209. Have

1209. Have you had an opportunity of observing throughout Ireland, or in many parts, how the fact is, or has your observation been limited to the county of Monaghan?—I have been as a casual spectator, on many occasions, in different parts of Ireland.

1210. You would not apply that observation to the general conduct of prosecutions, would you?—Yes; taking the late trials as an example, they do not appear to me to be so well got up, as, from sources of information, I believe the same to be got up in England.

1211. You have absolute information as to the fact in the county of Monaghan, have you not?—Yes; but I cannot speak from actual observation as to the method in England. All I know is, from what I read in reports.

1212. As to Monaghan, you state that the prosecutions have not been well conducted there, for some time past?—Yes; several of them.

1213. That is the general opinion in the county, is it?—Yes.

1214. Does your observation apply to the counsel or the attorneys, or to both?—I think that the whole conduct of the cases has not been so well managed.

1215. Who appoints the prosecuting counsel and attornies?—I believe the Crown. I do not know.

1216. The Crown has the opportunity, as I understand you, through its head officers, of appointing, and I presume of removing any person who might be considered incompetent?—I do not know how that is; I suppose it is so.

1217. Have you ever witnessed a prosecution in the south of Ireland?—No, I have not.

1218. Mr. *Keogh.*] Are you aware of memorials having been addressed by the grand juries in Ireland, complaining of the incompetency of the Crown prosecutors?—No, I am not.

1219. That has not occurred in your circuit, has it?—I do not remember that it has occurred.

1220. In your answer to question 885, you say: "I merely state what would be the natural inference drawn by people as to what the opinions of the Roman-catholic clergy were upon the subject." Are you aware that the Roman-catholic Primate of Ireland has issued an address to the people, cautioning them against the commission of crime in those districts of the country?—I saw, I think, either a speech or some document of that description that has been addressed to them; I do not know whether it was addressed to a public meeting, or whether

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it was a letter from Dundalk, from Dr. Cullen; I remember one letter, I think, of that kind.

1221. You have seen such a document, have you?—Yes; cautioning the people against secret societies.

1222. And the commission of crime?—That probably was in it.

1223. But certainly against secret societies?—Yes; and I remember that the Freemasons' Society was mentioned by name, as one that he called a secret society.

1224. You read that document, did you not?—Yes; my attention was called to it particularly.

1225. You have seen it in the newspapers, have you not?—Yes.

1226. Mr. *Scully.*] Are you aware that that pastoral was directed to the different parish priests in the diocese of Armagh?—I stated before, that I did not know whether it was a letter, or a speech, or what.

1227. Will you take this document into your hand *(the same being handed to the Witness)*, and say whether that is the pastoral that you read at the time, the date of it being January last?—I do not think this is the document I alluded to; I think it was something that probably this document relates to; he says, "On two former occasions," and I think probably it was one of those.

1228. Do you not know of your own knowledge, that this pastoral was issued in January 1852?—No, I do not remember it.

1229. You stated that a great deal of sympathy has been shown by the people in those districts where crime has occurred?—Yes.

1230. Are you aware that that sympathy is partaken of by persons of various creeds?—Yes, I stated so.

1231. By Protestants as well as Roman-catholics?—I think latterly, to a great extent, it has been partaken of by many occupiers of both persuasions.

1232. Mr. *O'Flaherty.*] Do you attribute these outrages in a great measure to the relations which exist between landlord and tenant in that country?—I think that the outrages have generally a good deal to do with the occupation of land, not solely.

1233. But you think that the present relationship between landlord and tenant contributes in a great measure to the unfortunate state of things that exists?—I think that the Roman-catholic Ribbon conspiracy has fastened itself upon that thing now; I stated that I thought a sympathy was entertained

tained towards the perpetrators of these outrages by others than Roman-catholics. *E. Golding*, Esq. 2 April 1852.

1234. Mr. *Leslie.*] You have been in Monaghan 12 years, have you not?—Yes.

1235. Have you, in the last four, or five, or six years, or less, found any difference in the tenants with regard to your dealings with them; have you found them at all a different people to what they used to be?—There has been a very great change in the last two years; I think there has been a much worse feeling exhibited on the part of the tenantry towards the landlord and towards the agent, than there had been in my knowledge before.

1236. Can you trace that to any particular cause in the county of Monaghan, as proceeding from any description of agitation?—I think that the agitation for the tenant-right at those public meetings that were held, had a great deal to do with it.

1237. Before the introduction of any agitation as to tenant-right in the county Monaghan, you generally found all classes of tenants in that county tractable and easy to deal with, did you not?—I found them, as far as I knew them, generally a very contented and very industrious people, until within about these two years; and these outbreaks have more or less taken place.

1238. Are there a great many gentry in the county?—Yes.

Henry John Brownrigg, Esq., Deputy Inspector-General of Constabulary, called in; and Examined.

1239. *Chairman.*] HAVE you been in the public service for a large number of years?—I have been in the constabulary for 27 years. *H. J. Brownrigg*, Esq.

1240. During that time, have you been in various parts of Ireland?—I have been generally through Ireland.

1241. Has your attention been much directed to the working of the Ribbon system?—It has.

1242. For a good number of years?—Yes.

1243. Have you observed its operation in various parts of Ireland?—Yes, in the parts where it exists.

1244. Does there appear to you to be a uniformity of action in the various places where you have attended to its operation?—Yes, as regards the working of the system itself.

1245. Have you noticed the effects it produces on the whole of the locality where it exists?—Certainly.

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1246. Have you observed the way in which it obstructs the administration of justice?—Yes.

1247. And the terror and intimidation that it produces?—Yes, a general intimidation.

1248. From your own observation can you suggest any changes in the law, or in the administration of the law, which you think would be important at the present time?—Yes.

1249. Before you mention those, might I ask you if your attention has been directed to the districts and portions of Armagh, Louth, and Monaghan, that are more immediately the subject of the present inquiry?—Yes; I was sent to those districts by Lord Clarendon for that purpose.

1250. How long ago is it since you were sent down there?—In the beginning of this year.

1251. You have served under some former governments, have you not?—Yes, in other localities.

1252. In the northern parts?—Yes.

1253. How long did you remain there?—I was about five or six weeks travelling about from place to place all through those districts.

1254. Did you take various means to inform yourself about the state of the districts and the workings of the Ribbon system in them?—I did.

1255. Have you considered carefully what remedies you think might be applied?—I have; I was directed by Lord Clarendon particularly to do so; and at his desire I drew up some suggestions which I transmitted to his Lordship some weeks ago.

1256. Have you drawn up the result of your deliberations?—I have.

1257. Have you got your suggestions here?—Yes, I have.

1258. Have you any objection to submit them to the Committee?—No.

[*The same were handed in, and are as follows:*]

SUGGESTIONS for the SUPPRESSION of RIBBON SOCIETIES.

The existence of that illegal confederacy, usually termed the "Ribbon Society," is, I believe, generally admitted, and that it first appeared in the north of Ireland, to certain districts of which it was for a considerable period almost exclusively confined; but in process of time it gradually enlarged its limits, and has now extended itself not only into counties where, until of late, it was unknown, but even to England and Scotland. Its appearance in counties south of Dublin is of recent date; and even Tipperary and Limerick, the scenes of so many agrarian outrages, are happily still exempt from its operation

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During the progress, however, of the drainage, railway, and other public works, it has been introduced from the initiated counties or districts by navvies and labourers into districts which had been previously free from its baneful influence. This unlawful and pernicious society is in a complete state of organization; its members are divided into districts, parishes, committees, or lodges, with their respective officers. It has branches in Liverpool, Glasgow, and Manchester, while delegates from these towns, and from the several disticts in Ireland, meet periodically at their head-quarters to transact the business of the body, to agree upon and disseminate the new pass-words, signs, &c. throughout their respective districts; and for which each member pays a sum varying from 1*s.* to 6*d.* and a pint of whiskey to his district or parish master. The head quarters of this society is moveable; sometimes it is held in Dublin, at other times at Glasgow, Manchester, Liverpool or Belfast, perhaps elsewhere. It is supposed to be now at Belfast. Who are the actual heads of this body, and who direct its movements, is only known to a few of the principal delegates. It is understood that all its members are bound by an oath of secresy.*

The inferior members of the body are bound to do the bidding of their superiors, no matter what it may be, from a threatening notice to an assassination.

In the majority of cases the intended victim is unknown to his assailants, until pointed out to them immediately preceding the attack; nor are they even made aware of the alleged offence, except, perhaps, when an agrarian murder is contemplated. In such cases the secretly accused is put upon his trial, not alone for what he is charged with having done, but for what it is conjectured he probably will do. The advantages or disadvantages to the community likely to result from his death are duly weighed and considered, and sentence is pronounced accordingly. If death be decreed, parties are appointed by the committee, or are drawn, by lot, to carry it into execution; money is collected to take the assassins to America, and if the sum collected be a sufficient temptation, volunteers not unfrequently present themselves.

This system is often made the means whereby the leaders of the body wreak their private vengeance; but they themselves never engage in any overt act; they employ for such purpose their too willing instruments.

No doubt the question will naturally arise, why or for what object should this society be in operation in England and Scotland? In my opinion there is but one real object kept in view by the leaders and prime movers of this body; that is, to put money into their own pockets. These leaders are, in fact, almost to a man, publicans, in whose houses meetings are held, money collected or expended in drink, &c.; they promote, encourage, and control the body at large, and trade upon its misguided members, and in other respects make such use of them as best suits their own purposes.

In

* Some years ago I got possession of a book of their rules, written backwards; also a book of their ordinances, in cipher.

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In corroboration of this assertion I shall merely mention that, in those (at present) disorganized districts of Monaghan, Armagh, and Louth counties, where Ribbonism prevails to a considerable extent, the leaders, with few exceptions, are all publicans; in some districts there are as many as 28, and in their houses the Ribbonmen usually meet.

I should observe, it not unfrequently happens, that from one cause or other the system remains as it were in abeyance from time to time in different districts, until again brought into operation and vigour by some agitatorial endemic.

The Tenant League Agitation is the present endemic in the counties above referred to.

It being to me quite manifest, indeed I have never heard it questioned, that the publicans are the principal authors and abettors of Ribbonism, which they contrive to keep alive for their own profit, it appears to me that one of the first (if not the principal) steps towards striking at the root of this great evil, should be to amend the laws relating to publicans, with the view of making them more rigid as regards the selection of proper individuals, and of placing publicans under a more stringent supervision.

The next step I would propose is, to amend the laws relating to unlawful societies.

1. First then, with reference to publicans, I beg to offer the following suggestions;

	Suggestions.
I. By 3 and 4 Will. 4, c. 68, s. 2, applicants for original licences must give notice in writing to two resident magistrates and the churchwardens, stating particulars of situation, &c. with names of sureties.	I. It is suggested that such notice shall be extended to the stipendiary magistrate of the county (if there be one) and to the sub-inspector of the district, or in his absence to the head constable.
II. By sec. 4, certain persons are authorized to object to licences, and justices shall examine on oath into objections, and may also examine applicants.	II. It is suggested that the sub-inspector of the district, or in his absence the head constable, shall be authorized to object and to be examined, and that it shall be lawful to require the applicant to answer whether he belongs to any unlawful society or not; but any admission not to be used in evidence in any prosecution against the party making it.

Note.—There is no new principle involved in this. (*See* 9 Geo. 4, c. 54, sec. 2.)

III. By section 7, the party requiring a licence shall enter into a bond with sureties for the payment of any penalties in the City of Dublin, in 50 *l.* himself, and two sureties 25 *l.* each, and in the country 25 *l.* and 10 *l.* respectively.	III. Suggested that it be one of the conditions of the bond that he shall not allow illegal societies to meet in his house, and that the applicant shall give security in 40 *l.* himself, and two sureties 20 *l.* each.
IV. By	IV. Suggested

IV. By the first section of same Act, it is lawful for excise officers to grant renewals of licences to the same persons and for the same houses, on the production of a certificate of six householders of the parish (two of them being residents of the same or next adjoining townland to that in which the house is situated) and of the sub-inspector of the district as to the good character of the applicant and the peaceable and orderly manner in which such house had been conducted in the past year, or in lieu thereof a certificate to the like effect from two of the overseers appointed, or to be appointed under the Act.

IV. Suggested that inasmuch as the certificate of the sub-inspector can be obviated by applying to the overseers (not in general the most impartial persons), in no case shall the sub-inspector's certificate be dispensed with, or in his absence the head constable's; nor shall the excise officer grant a renewal without such certificate.

V. By the 15th sect. of the same Act, and 6th sect. of 6 & 7 Will. 4, c. 30, justices, sub-inspectors, churchwardens, or overseers, or constables authorized by a justice, may enter any house or place kept by any person selling,* or having a licence to sell spirits, &c. and put out persons tippling, &c.

V. Suggested that all head and other constables shall have the same powers as sub-inspectors or overseers in such cases; otherwise this provision will continue to be, as it has hitherto been, nearly inoperative, seeing that in a large majority of cases the authority of a justice cannot be immediately obtained when required.

VI. By the 21st section, public-houses, in cases of riot or apprehended riot, may be closed by order of two justices.

VI. Suggested, that in proclaimed districts one or more justices may order public-houses, or any public-house, to be closed at any time, or for such length of time as may be deemed expedient.

VII. By the 8th section of 6 & 7 Will. 4, c. 38, retailers of spirits, &c., who shall knowingly permit assemblies in their houses prohibited by any law in force at the passing of this Act, shall forfeit 2*l.*, and the licence shall not be renewed by the proper excise officer, &c.; and for a second offence, the licence to be null and void.

VII. Suggested, that the penalty be 5*l.*, and that, on a first conviction, the licence be forfeited, if the convicting justices shall so think fit; also, that in proclaimed districts, the Lord Lieutenant be empowered to suspend or cancel licences.

VIII. By section 16 of the last-cited Act, magistrates may annul licences, if a person shall offend three times within six months against the provisions of 3 & 4 Will. 4.

VIII. Suggested, that in proclaimed districts two offences within six months shall be sufficient.

IX. By the 17th section, two justices may grant a warrant to a third justice to enter unlicensed houses and seize spirits.

IX. Suggested, that one or more justices be empowered to grant a warrant under the provisions of the Petty Sessions Act, to enter such houses upon information on oath of a credible witness, that there is reasonable ground for suspecting that spirits are sold therein.

X. Suggested

* If this apply to all unlicensed houses, it will enable the constabulary more effectually to put down shebeen houses.

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X. Suggested, that in proclaimed districts all persons found in public-houses during prohibited hours, or in unlicensed houses, who shall be unknown to the constabulary, and who shall not satisfactorily account for themselves, shall be dealt with under the provisions of the 50th Geo. 3, c. 102.

XI. Penalties for breaches of the law in proclaimed districts not to exceed 5 *l.* nor be less than 20 *s.*; or not to exceed three months' imprisonment, or be less than one month.

XII. All offences to be punishable on summary conviction. Penalties to extend to the Act as amended, and recoverable as directed by Petty Sessions Act.

No appeal under 20 *s.*

2. Secondly, with regard to unlawful societies, the existing Acts of Parliament are as follow:—50 Geo. 3, c. 102; 4 Geo. 4, c. 87; 2 & 3 Vict. c. 74; 7 & 8 Vict. c. 78; 8 & 9 Vict. c. 55; 11 & 12 Vict. c. 89; 14 & 15 Vict. c. 48.

I am fully aware that this is a very embarrassing subject, and one upon which it is very difficult to offer any suggestions which shall be really useful or practical (especially as to what shall be deemed sufficient evidence without an approver upon which to found a conviction), and which shall not at the same time be open to some objection on what are termed constitutional grounds.

However, having given this subject the best attention that a long experience has dictated, I venture, with great diffidence, to submit for consideration the following suggestions, in addition to the several provisions already in force.

1st. As the laws on this subject are rather numerous, and, in some respects, complicated and doubtful, I beg to suggest that they be consolidated, revised and simplified.

I would here also suggest a consolidation and revision of the Whiteboy Acts; viz.—15 & 16 Geo. 3, c. 21, and 27 Geo. 3, c. 15.

2d. That, inasmuch as the Ribbon system exists in England and Scotland to a certain extent, that any laws that may be enacted for the suppression of this unlawful body, shall be extended to those portions of the United Kingdom, since no exertions on the part of the executive of this country can be of any avail, so long as the staff, as I may term it, of the society shall be permitted to continue in full operation and vigour in England and Scotland.

3d. That that portion of the first section of 2 & 3 Vict. c. 74, relating to pass-words, which was repealed by the 8 & 9 Vict. c. 55, be re-enacted.

4th. That if two or more persons be found in any public or other house, by any justice, county inspector, head or other constable, with any written or printed paper or document exposed before them, purporting to be the rules or regulations of any society not sanctioned by law, or any copy, written or printed, of any pass-words, or other secret mode of communication, or of any oath or test, &c., and who shall attempt to destroy or conceal such papers or documents, and shall not

not satisfactorily account for the same, such documents shall be taken and deemed to be unlawful, and the parties having such papers so exposed, &c., shall be deemed guilty of an unlawful combination; and on being summarily convicted thereof, shall be liable each to a penalty not exceeding 5 *l.* nor less than 20 *s.*, and, in default of payment, shall be dealt with under the provisions of the Petty Sessions Act.

5th. If documents of the same tendency and import as the above shall be found severally in the possession of two or more persons, who, at the time of such finding, shall be in company, whether they shall attempt to destroy the same or not, and shall not satisfactorily account for the same, they shall, upon conviction, be liable to a similar penalty, &c.

6th. If any person shall have been convicted of having had any such documents in his possession, and like documents shall thereafter be found in the possession of any other person who shall attempt to destroy or conceal the same, upon proof of such former conviction, the party last referred to shall be, upon conviction, liable to the same penalty.

7th. If information be made on the oath or oaths of one or more credible witness or witnesses, that, to the best of his or their belief, any document, written or printed, which shall have come into his or their possession, in the manner set forth in his or their information, purports to be the pass-word or words, or other secret mode of communication of any such illegal society, it shall be lawful for the Lord Lieutenant to direct, if he shall so think fit, that the same shall be published in the "Dublin Gazette;" and if after such publication a document of a similar import and tendency shall be found in the possession of any person, who shall not satisfactorily account for the possession of the same, and upon proof that notice, cautioning all persons against having in possession any such document was posted in the district in which such person was at the time of the finding of such document in his possession, he shall, without farther proof, be deemed guilty of having had an unlawful document in his possession, and on conviction, shall be liable to the same penalty.

Provided, that no person having in his possession any such document in his official capacity, or for the purpose of prosecuting an offender, shall in such case be deemed guilty of an offence.

I am aware that this last suggestion may be considered too stringent, or perhaps not quite practical. But considering that it would tend to do away with the secrecy of pass-words and signs by thus giving them publicity, it would in many cases serve to render Ribbonmen unable to distinguish their friends from their foes, and consequently cautious and distrustful of each other; it might in that way effect some good.

8th. That any person who shall write, post, send, or transmit, or have in his possession, a threatening notice, shall be liable, on summary conviction, to the same punishment.

1259. Was your attention directed much to the state of the public-houses in those districts?—Yes.

1260. Are

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1260. Are you of opinion that they require more stringent regulation?—Undoubtedly.

1261. Did you find generally that it was in public-houses where the Ribbonmen assembled?—Yes, usually.

1262. Have you in your suggestions stated the views that have occurred to you with regard to the more stringent regulation of the public-houses?—I have.

1263. And also with regard to finding persons with papers and pass-words in their possession?—Yes.

1264. Is it your opinion that it would be advantageous to restore the law to its former state?—I think so.

1265. Are you aware of the circumstances that led to the change in the law with regard to persons being found in possession of Ribbon papers?—No, I am not exactly aware of them.

1266. It has been stated that cases had occurred in which papers had been put by contrivance upon the persons of individuals?—Yes; I have heard that alleged, but I have never had any evidence of it to induce me to credit such a statement as that.

1267. However, supposing that the law were applied not to an individual case, but to the case of persons found sitting together in any number, say three or four in a public-house, do you think that any objection would arise as to the restoration of the law?—I think not; I think that, if there were more than one document of the same character found on different persons, or if persons on being surprised were found concealing or attempting to destroy the documents in their possession, that ought to be sufficient evidence.

1268. Have you embodied your thoughts upon that subject in the paper you have handed in?—I have.

1269. In addition to what you have put in the paper, has your attention been directed to the manner in which the Crown prosecutions have been conducted?—It has.

1270. Is it of considerable importance in those localities, first, to have a very active and intelligent stipendiary magistrate?—Of the first importance.

1271. In connexion with the duty of the stipendiary magistrate, would you think it advisable to have some local person, as the Crown solicitor, on the spot to assist the stipendiary magistrate in getting up and arranging the evidence?—I think it would be most desirable that there should be a resident local Crown solicitor, who, in conjunction with the stipendiary magistrate of the district, should be the parties to work up the case,

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case, and not leave it to the very last moment before trial, to seek for evidence in the hurry of an assize.

1272. Does not the success of a prosecution depend very much upon the state of preparation in which it comes to the prosecuting counsel?—Most unquestionably.

1273. Does the Ribbon system enable parties to tamper very much with the witnesses, and so to obstruct evidence?—I apprehend that that is one of its objects.

1274. Have you attended much yourself to the prosecutions and trials in Ireland?—I have been present at several of the important trials in different parts of the country.

1275. Did you ever notice or compare in your own mind the class of jurors that are in the habit of attending on the Crown side, and on the nisi prius side of the court?—Yes; and on that point I have also offered some suggestions to the Government, and with regard to the whole system.

1276. Are they embodied in the paper you have handed in?—No; that relates to the Ribbon Society only.

1277. Would it be an advantage to have one panel of jurors to attend the assizes generally, the jurors to be taken for both courts from that panel?—Most desirable; and that there should be a general revision of the jury laws. I think that the present mode of framing the jury panel is not exactly what it ought to be.

1278. Do you consider that it would be important to have on the Crown side in those cases a class of jurors who were not subject to the intimidating influence of the society?—Certainly; and who are not likely to be connected with the parties on trial.

1279. Is there any other matter besides what I have alluded to, and what is contained in your paper, to which you think it right to direct the attention of the Committee?—I think with regard to the coroners there should be an improvement.

1280. Do you think that the proceedings upon coroners' inquests very often lead to the obstruction of justice?—Very frequently.

1281. In what way does that arise?—I think it arises in this way, that parties are brought forward to prove more than is really necessary for the purposes of an inquest. I think the proceedings of an inquest should be confined solely to the ascertainment of the cause of the death of the party, and not to disclose the case as it were, by the injudiciousness of witnesses, and who probably at the moment are under the influence of intimidation, and will swear one thing at the inquest

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inquest and afterwards desire to tell the truth, and their evidence is thus very much damaged when they do really tell the truth upon the trial.

1282. You would think it desirable to confine the coroner's duty simply to ascertaining the cause of death?—Certainly.

1283. And the other part of the proceeding with regard to the offender or accused party, should be followed up by the stipendiary magistrate?—By the local magistrates.

1284. Have you known instances in which the proceedings at coroners' inquests have been made use of for the obstruction of justice?—Yes, I have know reports made of cases of that kind; my information on these subjects is of course obtained in great measure from reports made by officers to head-quarters, rather than from immediate local knowledge.

1285. The proceedings at an inquest would be very loosely conducted, would they not?—Very loosely.

1286. And the evidence would be scattered and vague?—Yes.

1287. Lord *Naas.*] You have a great number of detective policemen in this district, have you not?—Yes.

1288. Have you received a great variety of reports from those persons?—Yes.

1289-90. Have you got them here?—I have got some of them from those districts. I have reports not only from the detective men, but from the officers of districts. When I was sent down by Lord Clarendon to take immediate charge of these districts, I found it my duty to call upon the officers to report upon the state of their respective districts, generally; I then visited those districts and the stations of the officers and the sub-districts; and I thus made myself acquainted how far those reports were borne out by the information I received on the spot.

1291-2. You were for nine weeks in this district?—No, between five and six.

1293. Can you state to the Committee what you think was the general feeling of the people of the country with regard to these outrages; do you think that there was a general feeling of sympathy among the population of the country with the perpetrators of these outrages?—Not with the whole population, but with a certain class.

1294. What class of the population?—I think the smaller class of farmers sympathized with the Ribbon-men.

1295. Can you give the Committee a general idea, from the information which has reached you, of the mode in which this conspiracy is carried on, and the working of the Ribbon system?—

tem?—The members of the society are regularly organized; they have their parish masters and their local lodges and county delegates, and they conduct the whole thing in a regular and systematic way; and it is alleged, that landlords and others, who have displeased them from some cause or other, are regularly tried by these Ribbon lodges, and condemned, as it were, and whatever their sentence is, it is carried out.

1296. Do you suppose that the heads of this confederation are resident in the district?—There are local heads, but the principals are supposed to reside at the head-quarters of the society, which are situated in different places at different times; for instance, at present they are supposed to be at Belfast, at other times in Dublin, at Liverpool, Glasgow, and different parts of the kingdom. The system extends to Liverpool, Glasgow, Manchester, and to various other towns where there are any number of Irish.

1297. How do you think the communications between those authorities at a distance, and the heads of the confederation in the country, are carried on?—By delegates.

1298. Do you think that those delegates communicate with the heads at a distance, and then proceed in person to the disturbed districts?—That is what is generally alleged to be the case.

1299. Have there been large collections of money made for the purposes of the confederation?—There have been from time to time monies collected for different purposes connected with it, in some instances, as is alleged, for the purpose of paying parties to commit an outrage.

1300. Is it supposed that those sums of money have been collected in England, at Belfast, and Glasgow, as well as in the districts themselves?—I believe that money, from what I have heard, has been collected in Liverpool.

1301. Do you imagine that there is a general fund in the hands of any particular persons to carry out the objects of the society, or do you think that these collections are made for particular and specific purposes?—I think for particular and specific purposes. I do not think there is any general fund, but I think occasionally, on the commission of outrages, that subscriptions are made, either to take the parties out of the country, or to pay the parties for committing the offence.

1302. There are two objects for which money is raised, the one to procure persons to commit an offence, and the other for the defence of persons who are in the hands of the authorities?—Yes.

1303. Can you state to the Committee the amount of any specific

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specific sum that has been raised for a particular object?—In the case of Mr. Bateson's murder, I have no recollection of any specific sum having been stated.

1304. What was the sum supposed to have been realised in that case?—From my information upon that point, it is rather difficult to say; indeed some have alleged that it amounted to 200*l.*; others a smaller sum, 50*l.*, 70*l.*, and so on. There is no positive information that one can rely upon as to the precise sum.

1305. Do you think generally that orders are given from a central authority at a distance as to the perpetration of outrages, and that general rules are made?—It is supposed that there are general rules, and that they act upon them.

1306. Have you not heard that there has been of late an order issued that there should be a discontinuance of these outrages?—Yes, I have had a report to the effect that for three months there should be no outrage.

1307. Where was that order supposed to proceed from?—That order was supposed to have proceeded from the county delegate.

1308. Was any reason given for that?—The reason was, that they wished to show the magistrates and the gentry, that there was no use of extra police or military in the district.

1309. In which county?—The county of Monaghan.

1310. Is the general course, when an outrage is contemplated, to send a threatening letter?—That is supposed to be one of the rules of the society, that they should warn the party by a threatening letter.

1311. Have threatening letters been received in most cases of outrage by the victims?—I believe in a large majority of the cases.

1312. Have you any specimen of these threatening letters with you?—Yes, I have several; one I obtained the other day; it was handed to me by a gentleman who had received it from the country.

1313. Sir *W. Somerville.*] Are they originals or copies?—They are copies; we never retain the originals at our office, for they are required in the country to detect the writers of them, but these are copies of them; this is one (*producing the same*) that was lately received by a gentleman; I got it about a month ago; it is not from Monaghan; a gentleman in Dublin, an agent, handed it to me; it was directed to a particular individual.

1314. Sir *J. Graham.*] Did you see the original?—Yes, I copied

I copied this from the original; the original has been sent to the country.

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1315. Mr. *O'Flaherty.*] Was the original directed to the individual who handed it to you?—Yes.

1316. Was it intended for him?—No, it was sent to him by a gentleman in the country to whom it was directed, for the purpose of bringing it to me: "This notice is to inform you that your trial went on, and you were found guilty; your sentence is equal to the same as all bad landlords of Ireland, guilty of death; if you have any regard for yourself, you will decline in your undertakings last month; if this be not complied with, judge for yourself; I am, sir, your friend." The name that was signed to it was not legible; I could not make it out.

1317. Lord *Naas.*] How was that letter sent?—It was sent by post.

1318. Is it the general practice to send those letters by post?—Threatening letters are usually sent by post; there is a difference between a threatening letter and a threatening notice; a threatening letter is sent by post generally, sometimes it is handed to the party by a boy or girl; threatening notices are placarded up against a man's house or other contiguous place.

1319. Are those threatening letters generally posted in a neighbouring post-office, or are they posted at a distance?—Sometimes they come from a distance, and sometimes the reverse.

1320. Has any discovery been made of the authors of these outrages, in consequence of those threatening letters; have they ever been traced?—Very seldom; there have been one or two cases; I recollect a case in the north not long ago, in which a threatening letter was traced, but it was traced to a young lady; it was not any agrarian offence.

1321. Do you believe that the use of signs and pass-words is very general among the members of this society?—Quite so; there are many who, I understand, are obliged to join the society, in order to acquire the pass-word and sign, that they may be enabled to travel through the country with impunity.

1322. Where do you suppose that those signs and pass-words are settled?—There is a difference of opinion on that point; some allege that they are settled by the county delegates; others assert that they come from the head-quarters, as I may call it, of the society; for instance, at present some say the pass-words are issued at Belfast, while others allege that they are issued by the district masters.

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1323. Do you think that in these districts, at present, the pass-word for the time being is sufficiently known to enable a person to pass all through the country, and make himself known to the various Ribbon lodges established there?—I think in his own district or in the neighbouring districts, it may be so.

1324. You cannot tell how far the same pass-word extends?—No; you can rarely get at the pass-words.

1325. Do you think that they are written down upon paper and transmitted from place to place, or are they sent by word of mouth?—I think they are written; I do not think they could pass by word of mouth; I do not think the people could recollect them.

1326. What is the nature of them?—I think I can give the Committee the pass-words for the very last month.

1327. Your observations apply to what are called the disturbed districts, in the counties of Monaghan, Louth, and Armagh?—As regards the Ribbon system?

1328. No, as to the pass-words?—No, I think the pass-words are pretty general; I do not say that they are confined to these districts; wherever Ribbonism exists, I think there are pass-words likewise.

1329. It comprises these districts?—Certainly. (*The Witness referred to a Paper.*)

1330. *Chairman.*] Is that a confidential communication?—No, it is not; here are the pass-words for last month, March: "Derby, Russell, and Palmerston are joined; coercion will take place; we will fight for liberty or die in the field." These are the committee words, "Peace and plenty we expect; yes, if not hindred by English law." Here are what they call the quarrelling words, "Do not be dangerous, I am not afraid;" that is when parties begin to quarrel; if they make use of these words they are friends at once, and they cease to quarrel. There are no night words for this month of March with the Ribbonmen; sometimes they have night words; it appears that they did not issue any night words last month.

1331. What is meant there by "committee words"?—They are the committee-men, and they know each other to be committee-men by these words.

1332. Do you conclude from that that the committee-men have different pass-words to distinguish them from the other members' pass-words?—They have additional pass-words to distinguish them from the other members. The delegates also have words to distinguish them.

1333. Mr. *Keogh.*] Are the Government in possession of facts

acts connected with this Ribbon conspiracy, and do they know who the ringleaders are?—No, they do not know the leaders.

1334. How did you get this information, unless you know the ringleaders; and why are not they arrested if you know them?—What would you arrest them for?

1335. How did you get possession of these secret pass-words?—One of the body gave the information.

1336. Then, will he not also tell you who are the men engaged in the conspiracy?—I do not believe that these pass-words are an offence against the law; the pass-words do not amount to a conspiracy.

1337. Will not the same man who gives you the pass-words, assuming him to be a member, put you upon the discovery of the men, and the whole of their plots?—No, he will not.

1338. Why not?—I cannot tell you why not.

1339. Have you men who know the secret of this plot in your pay or confidence?—No, we have no persons in our pay or confidence connected with it.

1340. How is it that you get a portion of the information that you require, and not get the entire from the same person?—Because the persons who give a portion do not choose to give the whole.

1341. Lord *Naas.*] From what sources have you derived the information which you are giving to the Committee?—This information is from the head constable of the force, information which he states he has received from a Ribbon-man.

1342. Has all the information contained in the answers you have been giving to the Committee been derived from similar sources?—My information is derived from official reports that we have received at the Constabulary Office, and also, as far as these counties are concerned, from my own personal inquiry on the spot.

1343. Mr. *O'Flaherty.*] Did that information come from the head constable into your hands in the ordinary manner?—Yes, it came through the usual official channels.

1344. Are the Committee to understand that it came first to the sub-inspector, and from him to the Constabulary Office in Dublin?—Yes; I hold in my hand the head constable's report, forwarding the pass-words, which, if the Committee please, I will read. It contains the names of the parties, which, probably, I had better omit. This is from a very intel-

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ligent man, who has been recently promoted for his intelligence and his detection of crime.

1345. Lord *Naas.*] Does your information lead you to believe that this system is spreading in these districts?—Yes; in certain districts.

1346. Which districts do you refer to?—In particular parts of Louth, Monaghan, Armagh, and Down; I confine myself to these counties, but of course it has existence in other counties in the North of Ireland, and in some counties south of Dublin.

1347. Is it spreading, do you think, in extent of country, as well as among the people; does the society receive large additions of members?—Yes, I think it has been spread very much through counties where it did not exist before, by means of labourers, and navvies working on the railroads, and drainage, and other public works. I think that persons who have been initiated in other counties have, in working along the railroads, brought it with them. I believe there are very few allowed to work on those lines and other public works who are not Ribbon-men, and it has been thus brought into those counties where it had not previously existed.

1348. Mr. *O'Flaherty.*] Do you allude to the country generally, or to those particular counties which have been spoken of?—To the country generally.

1349. Lord *Naas.*] Do you think that the system has extended to the better class of farmers in these districts?—I believe it has to some of them.

1350. Do you think that there are many persons who have joined this society from fear, and fear only?—Many.

1351. From motives of personal safety?—Yes.

1352. Have you known instances of persons being attacked for no other reason than that they have refused to join this society?—Yes; I have had reports to that effect.

1353. What class of life do you think the persons are in who are the prime movers of this society?—That is a question that I cannot answer, because we do not know who the prime movers are.

1354. What is the extent of district that you would comprise among the disturbed districts in that part of Ireland?—It is very difficult to answer that, because it runs more in a vein through the country; there are some parts of a county quite free from Ribbonism, while other parts are infected. It is quite chequered all through Ireland, just as outrages are. They are chequered, and arise from local causes. The Ribbon system, though it has existed for a length of time in those counties,

counties, has been from time to time dormant, and it is only of late that it has become more prominent, and that has arisen from different causes, from agitation upon some points, and from certain alleged causes upon others.

1355. Can you mention the districts in which you have deemed it advisable to increase the police force in consequence of those outrages in the last year?—Yes. There are parts of Armagh, Louth, Monaghan, and Down.

1356. Over what extent of country has the police force been increased?—The additional force in Armagh is 147, the regular force is 145, and the whole force now in the county is 292.

1357. Mr. *Bright.*] Then it is doubled?—Just about doubled. In Down the parliamentary establishment is 224, and the augmentation 139; but only a very small portion of Down can be called disturbed, that portion lying between Rosstrevor and Rathfriland, in the district of the county about Mayo Bridge. In Louth (there is only a part of it that can be called disturbed), that part that is in the Carlingford district, and about Newry, the increase to the force there has been 40 men, the whole force of Louth being 264. Then in Monaghan the parliamentary establishment is 145, and there has been an increase in that of 133, making the whole force 278.

1358. Mr. *Scully.*] Since what time have those additions been made?—Within the last year and a half.

1359. Lord *Naas.*] How is the expense of that additional force to be borne?—In different ways. For instance, suppose an increase of force for special stations, as they are termed, that is, stations formed under the Crime and Outrage Act, the whole of the expense of those stations falls upon the locality where the outrage has been committed, or where the parties are suspected to reside who committed the outrage, if so ordered by the Lord Lieutenant. In every other case the charge is half upon the county and half upon the Consolidated Fund; or under the existing law a proportion of the charge only may be borne, just as the Lord Lieutenant may please to direct.

1360. Mr. *Caulfield.*] The greater part of that increase has been within the last six months, has it not?—Yes, the greater part has been, I should say, within the last eight or nine months.

1361. Mr. *O'Flaherty.*] Are the Committee to understand you to say that a portion of the charge for the additional constabulary is placed upon the places where the perpetrators of outrages are supposed to live?—Yes, where the parties

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are supposed to have come from; which is sometimes pretty well known, although you cannot positively prove it.

1362. Are you at liberty under any law to charge a district with the expense of the constabulary upon the mere suspicion that the perpetrators of a murder live in that locality?—Yes, under the Crime and Outrage Act.

1363. You have stated that the charges were made in some cases upon the locality where the outrage was committed?—Yes; and I think it is for this reason: when a district is a proclaimed district, and a serious outrage has been committed within it, it is usual to place an additional force at or near to the scene of the outrage, and although the whole of such district is liable for the cost of such increase, it is optional with the Lord Lieutenant to place the expense, or any portion of it, on the locality where the offence was actually committed, or where the suspected party resides, who, in the case of a homicide, for instance, may have followed his victim into a part of the country unproclaimed, perhaps into his own land, and there perpetrated the murder; the object of charging a particular locality being, I apprehend, to coerce or induce those taxed to give such information against the assassin as will lead to his arrest.

1364. Does the Act of Parliament give you the power that you have alluded to?—It gives a power to place the whole charge upon a proclaimed district of any additional force, or upon any part of that district; it gives power to the Lord Lieutenant under the Crime and Outrage Act.

1365. Sir *W. Somerville.*] An additional police force is sent to the locality where the crime has been committed?—It is sent to the locality if it is committed within a proclaimed district.

1366. That is, the locality that is charged with the expense of the police force?—Yes, it must be within the proclaimed district.

1367. Mr. *Scully.*] May any one townland be laid under it?—Yes, any portion.

1368. Sir *W. Somerville.*] Is it not the fact that a police force is always stationed in a locality where a crime is committed?—Yes, or as near to it as possible, where they can get accommodation.

1369. And then the warrant specifies the particular townland which is charged with that additional expense?—Yes.

1370. Lord *Naas.*] Have you taken any further steps by means of the police to arrest the progress of crime in the way of sending down detectives?—The force has been increased in those

those districts, and there have been a number of detective men sent down there.

1371. Have you found that those detectives have been of much use in getting information?—Yes, they have.

1372. I mean information of a nature sufficient to bring those who have committed the outrages to justice?—Yes, in several cases; but it is an extremely difficult as well as a very hazardous duty for the men to perform.

1373. Why is it hazardous?—Because they are frequently threatened when discovered.

1374. Have you known any instance of detectives having been attacked or threatened?—Yes, I have known instances of their having been threatened.

1375. Those detectives are generally known to the people of the country, are they not?—In some cases they find them out after a time.

1376. Mr. *Scully*.] Are they in coloured clothes?—Yes, always.

1377. Lord *Naas*.] Do you think that the means at present at the disposal of the Government are sufficient to stop those outrages?—Under the existing law, I do not think they are. With regard to Ribbonism, I think more stringent laws would be required; also as to publicans, who, I think, are the grand promoters and fosterers of the whole system for their own advantage. With reference to the paper that I have handed in, I would wish to observe, that when I was sent down to those counties, I received official instructions with regard to what I was required to do, and part of those instructions was, to suggest anything that might occur to me that would tend to the suppression of the Ribbon system, and also with reference to publicans; I embodied those suggestions while I was travelling through the country in that document, which I submitted to the Government as an official document, not as a confidential or private one. It was drawn up pursuant to the instructions I received.

1378. Have you any further suggestions to add to those contained in that paper with regard to Ribbonism?—No, nothing else has occurred to me, unless in connexion with those suggestions, a change in the jury laws and in the mode of conducting prosecutions.

1379. Do you think that the present apparent cessation of crime in that district is an evidence of this system being on the wane, or wearing out?—I do not think it is an evidence that the system is wearing out or disappearing. There is a partial cessation of crime; we have had no offences reported

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to have resulted from Ribbonism since the special commission.

1380. Is it your opinion, from the information you receive, and that the police receive, that the system is at present in full force in those districts?—I think it is; I think it is only in abeyance. The number of agrarian outrages in those districts have increased of late years considerably, and in a very remarkable way; for instance, in 1850 and 1851, the number of agrarian outrages amounted to a greater number than the whole of the crime of those counties in the years 1844 and 1845. I will illustrate this by a document I have here; it is an abstract of all the different kinds of agrarian offences which have occurred in the county of Monaghan during the year 1850 and 1851, compared with 1844–5. The total number of agrarian offences for the different months in 1850, was 48, and in 1851, singularly enough, it was also 48. The number of agrarian offences in 1844 was 20; the number of agrarian offences in 1845 was 22.

1381. Mr. *Scully.*] Was that in one year?—Yes. In the county of Armagh, the number of agrarian offences in 1850 was 79, and in 1851, 96. In 1844 the number of agrarian offences amounted to five, and in 1845 they amounted to 18. In 1850 and 1851 they amounted respectively to 79 and to 96; and the total of crime of the same classes and descriptions in 1844 was 62; and in 1845, 90. The number of agrarian outrages in those years, (1850 and 1851,) exceed the total amount of outrages in these counties in 1844 and 1845.

1382. What is the total amount of crime in the years 1850 and 1851 in the county of Armagh?—The total of crime of the same class amounted in 1850 to 171, and in 1851 to 212, making in all 383.

1383. Will you proceed with your statement?—In the county of Louth the number of agrarian offences (I mentioned that there was only a part of Louth in a disturbed state) there were 34 in 1850, and 73 in 1851; the number of agrarian offences for 1844 was five, and for 1845, 14; the total number of offences of all kinds in 1844 was 54, and in 1845 was 59.

1384. Mr. *Bright.*] Are those cases which come to the assizes cases of petty larceny?—No; I should probably have explained to the Committee that I speak now of cases that are specially reported to the Constabulary Office, for there are a certain class of cases that are specially reported, and there are a much larger class of cases which are dealt with at petty and quarter sessions by the magistrates, which are not specially reported. I have returns showing, in the different

ferent years from 1844 to 1850, the total number of cases of crime in Ireland; the total number of those that have been specially reported; and the total number of those that were disposed of at quarter sessions, and by the magistrates; the total number of persons who have been tried, and the number of persons who have been convicted. I have given also, in the return that I have just handed in, which I did not mention before, the agrarian outrages that have occurred in this year up to the latest period. The counties to which I particularly refer are Armagh, Louth, Down, and Monaghan; a very small portion of Down.

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1385. Lord *Naas.*] Have you a comparative statement of crime in the county of Tipperary?—Yes; with regard to Tipperary and Limerick, as compared with the counties I have named, it will be found that agrarian outrages have decreased in proportion as they have increased in those counties. For instance, in 1844 the number of agrarian outrages was 74 (I am speaking of Limerick); and in 1845 the number of agrarian outrages was 128. In 1850 the number of agrarian outrages was 59; in 1851 they were 38; showing a difference in the years 1845 and 1851. As regards Tipperary, in 1844 there were 253 agrarian outrages; in 1845 there were 311; in 1850 there were 208, and in 1851 there were 134, showing between 1845 and 1850 a decrease of 711 cases, so that whilst these offences were increasing in the north, they were decreasing in those particular counties that I have named.

1386. What is the general condition of the people of those disturbed northern districts, in comparison with those districts to which you have alluded in the counties of Tipperary and Limerick?—There can be no question that they are a much more comfortable class of people in the North than what they are in the South.

1387. Mr. *Caulfield.*] Though the farms are very small in some of the districts, yet the social condition of the people is comfortable as compared with that of the South?—Yes.

1388. Lord *Naas.*] From that you do not infer that distress has any thing to do with this secret organization?—I apprehend not; this organization has existed in times when there was no such thing, comparatively speaking.

1389. Mr. *O'Flaherty.*] Are the districts of which we have been speaking in the counties of Armagh, Down, and Monaghan principally manufacturing districts?—There are parts which are manufacturing; but the lower order there, particularly the females, have a great deal of work to do, flowering, or a kind

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a kind of tambour-working; and they are well paid for it; and indeed, a large majority of the females are very much employed in that way, and support themselves in some measure by it.

1390. Mr. *Caulfield.*] You confine yourself to the disturbed districts, do you not?—Yes; for instance, in the neighbourhood of Crossmaglen, which I believe is probably the worst part of the country, the female peasantry have a great deal of employment in that way.

1391. Mr. *O'Flaherty.*] I alluded more to the linen manufacture?—I do not think there is much of it in those particular districts, the disturbed districts; I mean to say, that it is not as extensively carried on as it is about Lisburn, Belfast, or Ballymena.

1392. Mr. *Caulfield.*] You have given in a document that contains certain suggestions, which after your inspection of these districts you have considered it advisable to offer to the late and the present Governments, as a means of improving the administration of justice in those districts?—With regard to that particular society, those suggestions are particularly directed, according to my instructions.

1393. But are they suggestions for alterations in the law principally?—Yes.

1394. Do you think that if those suggestions were adopted, and became the law of the land and were put in force, that they would be sufficient to put down this Ribbon Society?—I think it is an extremely difficult thing to put down any secret society; but I think if adopted they would be of some service in that way, for although it is a difficult matter to suppress such societies, I feel satisfied they would at all events have the effect of checking them; a few convictions would, I have no doubt, produce this result. I remember that some years ago (1841 or 1842), a Ribbon lodge was surprised in the county of Armagh, their papers were seized; I believe there were delegates from Manchester, Liverpool, Glasgow, and other places at this lodge. There was a trial, and conviction, which had the effect of tranquillizing that country, and putting, as it were, an extinguisher upon Ribbonism for a considerable length of time; but then as agitation commenced, Ribbonism got up again.

1395. *Chairman.*] What agitation do you refer to?—The more recent agitation in that part of the North, which I think has brought the Ribbon system again into existence, is the Tenant League agitation.

1396. Mr. *O'Flaherty.*] Do you find that the agitation is confined to any peculiar class of religionists?—Yes; to the Roman-

Roman-catholics. No Protestant is allowed to belong to the Ribbon Society.

1397. Mr. *Scully.*] Are there any other secret societies besides the Ribbon Society in that country?—Yes, the Orange Society, if it be secret.

1398. Have they pass-words?—I do not know.

1399. Have they lodges and masters?—Yes; but I have never heard or seen what are called the signs, if such exist.

1400. *Chairman.*] Was the case to which you have referred at Armagh, a case in which the present Lord Chancellor Blackburne prosecuted?—I am not perfectly sure.

1401. Were you at the trial?—No, I was not.

1402. Mr. *Keogh.*] Has there not been within a very late period a revival of the Orange Societies in the North of Ireland?—I have not heard it.

1403. Have you seen any publications in the newspapers, signed by very distinguished persons, reviving these societies? Yes, I have seen them; but whether they were revived in consequence I cannot tell.

1404. But you have seen the publications calling them together?—Yes; I have seen publications of that kind.

1405. Have you any doubt that the Orange Societies have been again called into operation and existence in the North of Ireland?—I do not know whether they have been or not.

1406. What is your belief upon the subject?—I do not know whether the publications adverted to have been attended to or not.

1407. Were you ever in a Ribbon lodge?—Never.

1408. Were you ever in an Orange lodge?—No.

1409. Then you can tell me just as well about the Orange lodges as about the Ribbon lodges, not having been in either?—No, I cannot; I have received information as to the one, that I have not as to the other.

1410. As an officer of the Government, do you or not know that the Orange lodges have been in active operation in that part of the country?—I have received no information to that effect.

1411. Have you seen letters, signed by the grand masters of Orange lodges, calling them together?—Yes, I have seen letters in newspapers on the subject.

1412. Have you ever seen one with the name "Enniskillen" at the bottom of it?—I may have.

1413. Within a very late period?—I do not recollect to have seen it.

1414. Do you consider the Orange Societies to be legal, or

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or are you aware that they have been pronounced to be illegal by a very high legal authority?—No, I am not aware of it.

1415. Then you have not formed any opinion yourself upon the subject?—No, I have not.

1416. Are you aware that they have been condemned by Committees of this House?—Yes, I think they have.

1417. As regards the Orange Societies?—Yes.

1418. You know of their having been condemned before Committees of this House, do you not?—I do not know it; I have heard so.

1419. Do you attribute the existence of any secret societies in the North of Ireland among the Roman-catholics to the existence of that Orange confederation?—I do not think it is so now; but I believe formerly that such was the opinion.

1420. That those secret societies arose from the existence of the Orange confederacies?—I have heard it so said; I do not know it of my own knowledge.

1421. When you state that none but Roman-catholics constitute the members of the Ribbon Society, have you any direct knowledge of that, or is it merely from hearsay?—Merely from report; I have no other means of knowing it.

1422. Did you ever hear it so sworn by any person?—No, I never was present at the trial of a Ribbon case.

1423. Is not your information upon that subject from hearsay?—From official reports.

1424. And made by members of the Protestant persuasion to you?—Made by a large number of the Roman-catholic policemen, who have been officially employed in those districts to obtain information upon the subject; and I have from those Roman-catholic policemen their reports here upon that very subject, establishing the fact, if you are to believe them; there are none but Roman-catholics connected with this society, and upon that information I rely.

1425. Why is it that you have stated that there can be none but Roman-catholic members in those Ribbon Societies?—Because I have received such information from a source upon which I can rely; I have never heard of a Protestant belonging to a Ribbon Society, no more than I have ever heard of a Roman-catholic belonging to an Orange Society.

1426. Mr. *O'Flaherty.*] Are not the Protestants and Presbyterians of the North as much interested in that tenant right question as the Roman-catholics?—I do not know whether they are as much interested or not.

1427. Mr. *Keogh.*] Speaking of the Tenant League meetings,

ings, have you paid attention to them?—Yes, we have received information on the subject.

1428. Have you been present at any of these meetings?—No.

1429. Have you paid attention to those proceedings?—Yes.

1430. Are you not aware that the Presbyterian ministers in the North are the principal and the most active agents in that agitation at present?—Yes, several of the Presbyterian Ministers are, as well as Roman-catholic clergymen.

1431. Principally, would you not say that the most active agents in the matter are the Presbyterian ministers in the North of Ireland?—Yes, I believe they are.

1432. *Chairman.*] Do you apply that observation to all the Presbyterian ministers?—Only to those who have come prominently forward.

1433. Is it not confined to one or two of the Presbyterian clergymen?—I think it is confined to about three or four.

1434. Are not the Presbyterian clergy otherwise, as a body, men of the highest character?—Certainly. My answer only applied to those who have come prominently forward as agitators.

1435. Lord *Naas.*] Do not you know that the great mass of the Presbyterian clergymen in the North are opposed to that agitation?—I believe they are.

1436. *Chairman.*] You were asked whether you were aware of the Orange Society having been condemned; did you mean condemned as illegal or disapproved of?—Disapproved of.

1437. Have you ever seen their regulations?—No.

1438. Can you tell the Committee about what time the Ribbon Society, or the society out of which it has sprung, came into existence in Ireland?—I should say about 1796.

1439. Have you known it existing in counties where it was not in any way encountered by Orangeism?—Yes; my impression is, that originally it was sectarian, and gradually it has spread itself through counties where there are no Orangemen at all; for instance, it is in the county of Westmeath, and part of King's county, where some years ago it did not exist, and in other localities where there are no Orangemen at all.

1440. Does that secret principle of association engraft itself wherever it has an opportunity of extending its influence?—Yes.

1441. Does it confine itself to mere arrangements about land?—No; that is only a portion of it. If parties have a pique against each other, they will procure Ribbonmen to avenge it, either by waylaying, or by some other outrage upon property or person.

Jovis, 29° die Aprilis, 1852.

MEMBERS PRESENT.

Mr. Drummond.	Sir William Somerville.
Mr. Scully.	Mr. Keogh.
Mr. Solicitor-General for Ireland.	Mr. O'Flaherty.
Mr. Hatchell.	Mr. Caulfield
Mr. Bright.	Mr. Leslie.
Lord Naas.	Mr. Goold.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

Henry John Brownrigg, Esq., called in; and further Examined.

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1442. Mr. *Solicitor-General for Ireland.*] YOU were examined on a former day?—Yes.

1443. You are aware that your evidence has been printed?—I am aware of it.

1444. And that the document which you handed in to the Committee has been printed?—Yes.

1445. Have you furnished a copy of that evidence, or of the document, or of the substance of the evidence, or of the substance of the document, to a newspaper called the "Telegraph," published in Dublin, or to any other newspaper?—I have not furnished a copy of that document to any person, save to members of the late and the present Government, and the Committee, directly or indirectly, or of any part of it.

1446. Or of the substance of it?—Or of the substance of it.

1447. Or the substance of your evidence?—Or the substance of my evidence.

1448. Mr. *Keogh.*] Did you furnish a copy of it to the late Government?—Certainly.

1449. And to the present Government?—Yes.

1450. Have you had a copy of your evidence since you were last before the Committee?—Yes.

1451. More than one copy?—No.

1452. What became of it?—I returned it with corrections to the clerk of the House.

1453. Have

1453. Have you since obtained a copy of it?—No.

1454. Have you mentioned, in conversation to any one, the nature of your suggestions?—No, except to some officers of the force; we have talked the thing over in a general way.

1455. Have you mentioned, in conversation, to any other person the nature of your suggestions?—I have no recollection of having conversed with any one else save, I think, Mr. Fitzmaurice.

1456. Who is Mr. Fitzmaurice?—A stipendiary magistrate; I conversed with him on the subject when in the country, before I drew them up.

1457. How long is it since you furnished the late Government with a copy of this document?—I think a very few days before the late Government was succeeded by the present Government.

1458. Mr. *Hatchell.*] To whom did you send it?—I sent it, in the first instance, to Sir Duncan M'Gregor, who submitted it to the Government. I think the date is on the document itself.

1459. Upon the document which is before the Committee?—Yes. I think it is dated some time towards the close of February; the document is dated from Carrickmacross; I am not quite certain as to the date.

1460. Sir *W. Somerville.*] The document which you handed in is an exact copy of that which you sent to the Government?—I think it is; I did not retain a copy of the document which was sent to the Government, but it was copied in the Constabulary-office; the original, I believe, is with Lord Clarendon. I had a newspaper sent to me (I do not know by whom) the other day, containing a copy almost verbatim of the document.

1461. Mr. *Solicitor-General for Ireland.*] Was the newspaper to which you allude the "Telegraph"?—Yes.

1462. You did not furnish to that paper the substance of your evidence, directly or indirectly?—Certainly not.

1463. Or to anybody for its use?—Certainly not.

1464. Mr. *Keogh.*] You did not send it to the "Evening Mail"?—No.

1465. Or to the "Warder"?—No.

1466. Or to the "Dublin Express"?—To no paper whatever.

1467. Directly or indirectly?—Certainly not.

Maxwell Hamilton, Esq., called in; and Examined.

M. Hamilton, Esq.

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1468. Mr. *Solicitor-General for Ireland.*] WHAT is your profession?—I am a solicitor, and Crown Solicitor of the north-east circuit.

1469. For how many years have you acted in that capacity?—Twenty-one years; I was appointed in 1830.

1470. Have you since the date of your appointment discharged your duty in person?—Always.

1471. For the information of the Committee, will you name the towns in each county where the assizes are held, at which you have personally attended?—I will first name the counties, and then the county towns; my counties are the county town of Drogheda, the county of Louth, the county of Down, the county of Monaghan, the county of Armagh, and the county of Antrim, and the county of the town of Carrickfergus.

1472. Are you intimately acquainted with the condition of those counties, in reference to crime and the administration of criminal justice?—Tolerably well, I should say.

1473. During the period of 20 years of which you have spoken, have you conducted many Ribbon cases?—A great number.

1474. Cases of murder, and conspiracy to murder?—Yes.

1475. And violence?—Yes.

1476. Threatening notices?—Yes.

1477. Ribbon confederacies?—Yes, and Whiteboy offences.

1478. And for being in possession of Ribbon documents?—Yes.

1479. Have you personally examined the informers and the witnesses who have been produced in courts of justice?—I have.

1480. Your information on this subject is not derived from hearsay?—I have not only examined the witnesses, but have afterwards sat in court while the trials were going on.

1481. Is it the practice to make a report of the result of each trial to the Attorney-general?—Always, in cases of that description.

1482. Has what is called Ribbon confederacy attracted your notice for the last 20 years in the district to which you have adverted?—Yes.

1483. From your knowledge of the subject, state to the Committee what is the nature of that confederacy?—A secret society to carry out particular objects; and, generally speaking, agrarian.

1484. "To

1484. "To carry out particular objects," by what means? —By physical force.

1485. Do you mean by murder, if necessary?—Yes; it generally commences in a beating of the party whom they want to deter from doing some particular thing, and if he does not mind that warning, he is generally murdered.

1486. In the course of your experience, have you known persons who were remarkable for the benevolence of their characters the victims of such conspiracies?—Yes; I think that generally speaking the people who are attacked in this way are not persons who may be supposed to have done anything to deserve it.

1487. Did you personally know Mr. Eastwood?—Yes.

1488. Did you know Mr. Bateson?—Yes.

1489. Were not both these gentlemen persons of a benevolent disposition?—Yes; Mr. Eastwood particularly so, and also Mr. Bateson; but Mr. Bateson was a person of firmer temperament than Mr. Eastwood.

1490. For how many years have you known Mr. Eastwood? —I suppose I have known Mr. Eastwood these 10 years.

1491. Will you describe to the Committee the process by which a man would be sentenced to death, and how that sentence would be carried out, as you have heard it proved?— I understand that the system is, that if a man thinks he is aggrieved, and wishes to have a person either murdered or beaten, he goes to the parish master of the Ribbon Society, and he says he wishes to have a particular thing done; he names the sum of money which is to be given for it, and the business of the parish master is to appoint the persons who are to perpetrate the outrage.

1492. Are the persons who are appointed to perpetrate the outrage frequently utterly ignorant of the person whom they are going to beat or kill?—I have found that very often to be the case, indeed almost invariably, from the examination of approvers and others. I have found that they have known nothing whatever even of the appearance of the persons they were to beat; and the persons who were to be beaten were generally obliged to be pointed out to them.

1493. By one who knew their person?—Yes.

1494. And then these persons executed the bidding of their masters?—Yes.

1495. When you use the word "bidding," does your observation apply to killing as well as beating?—Yes; there may be one blow too much.

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1496. Has that "one blow too much" been frequently given?—Very frequently.

1497. According to the result of your personal observation, have these descriptions of murders been frequently committed in broad daylight?—Latterly, almost invariably.

1498. In your judgment, does that arise from a conviction on the part of the murderers of having the smypathy of the district in which they kill the victims?—No doubt; and not only the sympathy, but the knowledge that nobody dare inform against them.

1499. Taking, for instance, Cargill's case; he was mowing in his field?—Yes; that outrage occurred in the county of Monaghan.

1500. And a great number of persons, in the adjoining field, looking on while the assassin killed him?—Yes; and while the murder was going on he called on various passers by to give assistance.

1501. None of them would do so?—None. In that case the warning by a beating, which I have alluded to, was given about three months before the actual murder.

1502. What has been the state of the county of Louth, in reference to the crime of Ribbonism, as you have described it, within the last 12 months?—I think it pervades the whole county, from Drogheda to the north of it.

1503. Attended with the same consequences which you have before described?—Yes.

1504. What effect does it produce in demoralising the minds of the people, according to your observation?—It produces a great deal of perjury, in the first instance; they do not seem to think anything of the taking away of human life; it does not seem to dwell upon their consciences as a sin or crime.

1505. Suppose a small farmer, having a sympathy for Ribbonism, got upon a jury, according to your observation, would he find a verdict according to the evidence, if a Ribbonism case was on trial?—I should say, certainly not.

1506. According to your observation, would any amount of evidence or testimony induce such a man to give a verdict according to the evidence?—Certainly not.

1507. According to your observation, if the witnesses for the accused participate in the feeling of Ribbonism, do they hesitate to swear for the Ribbonman who is on trial?—I have heard on such occasions a great deal of perjury; witnesses evidently perjuring themselves.

1508. With

1508. With a view of protecting a member of their own confederacy?—Yes.

1509. Now take the county of Louth; do you recollect M'Intaggart's case?—Yes.

1510. When was it tried?—In 1851.

1511. Did you prosecute?—Yes.

1512. Who was killed?—A man of the name of Bernard M'Intaggart; there were two persons charged with the murder.

1513. On what day was he killed?—I think on Sunday morning, 15th June.

1514. Early in the day?—At eight o'clock in the morning.

1515. Going to a Roman-catholic church?—Yes.

1516. Was his sister with him?—Yes.

1517. Did you hear her describe the facts?—Yes.

1518. And identify the parties?—Yes.

1519. Did the first jury differ in that case?—Yes.

1520. Did you ascertain from any authentic source how many were for conviction at the first trial?—Not from any authentic source; I can only go by what I heard. I heard that on the first occasion there were 10 for conviction, and 2 for acquittal.

1521. Were the assizes adjourned?—Yes.

1522. And the judges returned?—Yes.

1523. What was the result on the second occasion?—Acquittal.

1524. Were you present at that acquittal?—I was.

1525. Did the people standing by exhibit any feeling?—There was a cheer in the court, and a great deal of cheering outside the court.

1526. In your judgment, was that cheering a note of sympathy with the accused?—Not a doubt about it.

1527. Did you ascertain whether, in the interval between the first trial and the second trial, the jury on the list were visited by any person with a view of either frightening or persuading them as to their verdict?—Yes.

1528. State the formation of the list, and what was done?—At an adjourned assizes the panel is the same as the original panel which is ordered for the assizes; in fact, it is an adjournment of the assizes; the panel cannot be changed. The jury were already summoned, and it was ascertained who they were.

1529. Had the prisoner's attorney a copy of the panel?—I believe so. Either the prisoner's attorney, or somebody for him, as far as I could ascertain, did go round to the different jurors who were summoned and spoke to them on the subject.

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1530. Mr. *Keogh*.] Are you speaking from your own knowledge?—No; I say that I have been so informed.

1531. Mr. *Solicitor-General for Ireland*.] Did the woman, who was present when her brother was killed, give the same evidence on the second trial as she had given on the first trial?—Precisely.

1532. Was your case weaker on the second trial than it was on the first trial?—No.

1533. And the result was an acquittal?—Yes.

1534. Do you believe, from your long acquaintance with the county of Louth, that in such cases, and under such circumstances, criminal justice can be satisfactorily administered in that county, with the jury panel as it is now constituted; or would you recommend any, and what change?—I do not think that criminal justice can be satisfactorily administered, with the jury panel constituted for the criminal court as it is now.

1535. By whom is the jury list originally prepared?—By the barony collector; he sends in the names of persons in his barony, who pay county cess to him.

1536. Do you believe the barony collector to be a person who ought to be entrusted with that duty?—I am not quite competent to speak on that subject, because I have not made it very much my study; but I should say that he was not.

1537. Have you ever prosecuted barony collectors for criminal offences?—It is not right for me to say it, but there is a case pending against one in Armagh at present; he has not yet been put on his trial.

1538. He has not been tried?—He has not been tried.

1539. What is the nature of the case?—Writing threatening notices.

1540. Have you ever prosecuted schoolmasters for writing threatening notices?—Yes.

1541. By "threatening notices," do you mean Ribbon notices?—Yes; it is a prosecution under the Whiteboy Act.

1542. Do you mean what is called a preliminary notice?—A threatening notice to persons who have taken land, generally speaking, to give up that land.

1543. How would you suggest that the jury list should be framed; would you say that the poor law valuation, at a certain amount, would be a safer and more practical mode?—As I have said before, I am not exactly competent to speak on that subject; I have not studied the Poor Law Act sufficiently to know the different qualifications under it.

1544. You

1544. You are satisfied that the present system is not right?—I am quite convinced of it; there ought to be a better class of jurors in the criminal court.

1545. Are jurors, to your knowledge, in cases of this kind, intimidated from giving a verdict according to the evidence?—I should say so decidedly; where they are of the small shopkeeper class, they lose all their trade and custom if they give a verdict according to the evidence, if it militates against the Ribbon Society.

1546. Are witnesses intimidated from giving their evidence?—I should say certainly, from the fear of injury to themselves.

1547. Would it be of advantage to the administration of justice to allow such a case as that of M'Intaggart's murder to be tried in Dublin?—I think it would; it would probably assist in frightening persons from committing crime if they thought they could be tried elsewhere by an impartial jury.

1548. Taking, for example, Armagh, would the same advantage arise from trying a case of the like nature which arose in Armagh in Belfast?—Anywhere but in the county where the crime took place.

1549. What is your judgment in reference to the necessity of having a perpetual Ribbon Act, particularly in reference to a clause enabling you to prosecute persons on the ground of finding in their possession Ribbon documents?—I think that the Act of the 2 & 3 Vict. c. 74, ought to be re-enacted as it was originally; in that Act there is a clause which makes it penal on persons having papers in their possession which evidently relate to a secret society, and which they cannot satisfactorily account for.

1550. Do you believe that clause to be necessary for the administration of justice?—Essentially so. Since that Act was repealed we have had no Ribbon prosecutions; and, to my knowledge, Ribbonism is just as rife as ever it was in the counties in my circuit.

1551. While that clause was in the statute book, were you enabled to prosecute and to convict in Ribbon cases?—Yes, and had a great number of very satisfactory prosecutions and convictions.

1552. Do you remember a person of the name of Houston being tried on the north-east circuit?—Yes.

1553. Where was he tried?—In the county of Antrim.

1554. Did he appear to be a leading person; that is, a person of respectability?—Yes, very much so. He was a very well-

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well-dressed man, and had good business as a publican in Belfast.

1555. Do you recollect when he was tried?—In 1845, I think.

1556. Did it appear, upon the evidence, that Houston had been a correspondent of a leader, of the name of Jones, of the body in Dublin?—Yes.

1557. Was he convicted upon the charge of having in his possession Ribbon documents?—He was indicted for having Ribbon documents in his possession; and for corresponding with members of the society.

1558. Was he tried for the offence of Ribbonism, committed in the most peaceful and happy part of Ireland?—He lived in the town of Belfast.

1559. Is that the most prosperous, peaceful, and industrious part of Ireland?—I should say so.

1560. And yet this leader of Ribbonmen was tried in the county of Antrim?—Yes.

1561. Do you know of any great injustice, oppression, or cruelty being practised in Belfast?—I never heard of it.

1562. Had Jones, who was a leader of Ribbonmen, been tried and convicted in Dublin?—Yes.

1563. Have you any of the Ribbon documents in your possession?—I have Ribbon documents in my possession, which were produced in a case which was tried at Armagh.

1564. In what case?—It was the case against O'Hare and four others, who had been arrested when sitting in Ribbon lodge at Middleton, in the County Armagh, in October 1843.

1565. Was that case prosecuted by the present Lord Chancellor, when he was Attorney-general?—Yes.

1566. And defended by myself?—Yes.

1567. In what year?—In 1844.

1568. Have you any documents with you?—I have some of the documents.

1569. What was the result of the trial?—They were tried in 1844, at the spring assizes, and there was no verdict; there was a disagreement; they were tried again at the summer assizes, when they were convicted, and transported for seven years, which is the limit under the Act.

1570. Mr. *Hatchell.*] Did Mr. Blackburn prosecute on both occasions?—I am not sure, but he was there at the summer assizes.

1571. Mr. *Attorney-General for Ireland.*] Does the conspiracy of Ribbonism exist in the most flourishing part of the country, as well as in the most unfortunate or depressed?—

On

On the north-east circuit it does. The excuse for Ribbonism in the flourishing parts is, that the Orangemen are very great opponents to the Ribbon system, and are inclined to attack the Ribbon party whenever they meet them.

1572. Do you believe that to be the cause of Ribbonism?—I think that may be a cause of banding together.

1573. Do you believe it to be the cause of Ribbonism?—Certainly not.

1574. Is there any part of the whole circuit in which Ribbonism is worse than at a place called Crossmaglen?—I think it is impossible that it can be worse anywhere than at Crossmaglen.

1575. Did you ever, in your experience, discover that there were any Orangemen or Orange lodges near to or in that place?—There is hardly a Protestant in the whole district.

1576. Have there been many crimes committed in that neighbourhood?—Vast numbers.

1577. Murders?—Murders, and various Whiteboy offences.

1578. Do you remember Mr. Powell's murder?—Very well indeed.

1579. Do you remember Mr. Mauleverer's murder?—Yes.

1580. Can you tell the Committee whether the persons who went to murder Mr. Powell had, according to the evidence, any antipathy to him personally?—Mr. Powell was the steward of Mr. Quin, and Mr. Quin was a gentleman of tolerable property in the county of Armagh. He had certainly been clearing off a number of tenants to make a domain for himself.

1581. What do you mean by "clearing off"?—They were paid to go off the ground. Mr. Powell was his steward, and his business was to carry out the directions of his employer; and in doing so, of course he occasionally had to announce to the people that they would have to leave the ground; that they would be paid so much for doing so; that the ground was wanted by Mr. Quin; and for that they did not like him.

1582. How did it end?—In Mr. Powell being murdered.

1583. Did any of the persons who went to murder him know him?—I heard from the approver that he did not know him, and that he did not believe more than two of the parties did know him.

1584. They went to murder a man of whom they knew nothing?—Yes. There were seven of them who went to the place; they dragged him out of house and shot him on the

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gravel before his hall door, in presence of his two daughters, who were able to identify some of the party.

1585. Was Mr. Mauleverer killed in the open daylight?—He was.

1586. In going to the railway?—Yes; about one o'clock in the day.

1587. How was he killed?—Two men came up alongside the jaunting car on which he was sitting and struck him on the back of the head with a stone, and ultimately killed him.

1588. Stoned him to death?—No; he made a good deal of resistance, and with a stick he cut one of them on the head; and that was one of the means of identifying that person; there was a good deal of hair from the man's head on Mr. Mauleverer's stick, which was found, and a cut corresponding on the head.

1589. What was the result of the trial?—Acquittal.

1590. What became of the man who was tried?—I heard that he went to America.

1591. Have you found, in investigating cases of murder committed in the broad daylight, like that of Mr. Mauleverer, great difficulty in getting evidence from persons who must have seen the murderers?—It is perfectly impossible to get it. In this case there were a number of people examined, who must have been on the ground.

1592. And who denied all knowledge of the transaction?—Yes. The fact is, that at the commencement of the attack a pistol was fired; the firing of a pistol is one of the Ribbon signals for everybody to look another way, and not see what is going on.

1593. And they do so?—Yes.

1594. Will you hand in those Ribbon signals, of which you have been speaking?—Yes.

1595. Where were they obtained?—In the case against O'Hare and others, to which I have alluded.

1596. Mr. *Hatchell.*] In what year?—In 1844.

[*The Witness delivered in the following Documents:*]

RULES and REGULATIONS of the UNITED IRISH SONS of FREEDOM, and SONS of the SHAMROCK.

1. THAT all presidents shall be elected by the unanimous voice of the people of the city, county, town, or district they belong to.

2. That they shall, if required, at each of our meetings, give an account of all within their district.

That

That any president striking a member wilfully, shall, for the first offence, be fined 2 *s.* 6 *d.*; for the second, 5 *s.*; for the third, to be tried by of own stewards, their decision to be .

4. That if any president who shall or a substitute to the national meeting, he to give the goods free to his constituents for that quarter.

5. That each president shall, on his return from the national meeting, within seven days after, give to his constituents their instructions for the ensuing quarter.

Regulations of Stewards and Members.

1. That all officers shall stand an election before his constituents every three months.

2. That any officer or member making any disrespectful allusion to any members (county or province) shall, for the first offence, be fined 1 *s.*; for the second, 2 *s.* 6 *d.*; and, for the third, to be tried by a committee of seven members; and their decision to be final.

3. That any officer or member giving provoking language, or striking a member, shall, in all such cases, be fined 2 *s.* 6 *d.*

4. That no steward shall receive a member from any society without an accredited certificate from his former steward.

5. That no steward shall hold more than 24 members, with two committee-men, but in cities or towns one or more stewards, and their members, shall be at liberty to meet together.

6. That any member thinks himself agrieved, may demand his certificate, and remove to any steward of society he thinks proper, in his own parish.

7. That the attendance of persons in office shall be indispensable, when called upon by the president, and refusing to obey, to be excluded from society.

Obligation or Test for the Fraternal Society.

A. B., with the sign of the cross, do declare and promise, in the name and through the assistance of the Blessed Trinity, that I will endeavour to keep inviolable all the secrets of this Board, or Fraternal Society, from all but those whom I believe to be regular members, and bound in the same fraternal ties.

1. I declare and promise, without any dread or compulsion, allegiance to Her present Majesty Queen of Great Britain and Ireland.

2. That I will be true and steadfast to my brethren of this society, dedicated to St. Patrick, the holy patron of Ireland, in all things lawful, and not otherwise; and that I will duly and regularly attend when any lawful superior thinks proper, and conform myself to the regulations made by them, so long as those who are or may be in trust think proper.

3. That

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3. That I will not knowingly or willingly provoke, challenge, or fight any of my brethren. If a brother should be ill-spoken of, or otherwise treated unjustly, I will, according to circumstances, espouse the cause, and give him the earliest information, aiding him by my sincere friendship when in distress.

4. I also declare and promise, that I will not admit nor propose a person of a bad or suspicious character into our honourable Board, knowing him to be such, and that I will endeavour to propagate brotherly love and friendship among such of my acquaintances as may be thought worthy.

5. That I will not, at any of our meetings, drink to intoxication, so as to endanger a disclosure of name, regulation, or members thereof.

6. That in towns and countries I will give the preference in dealing to those attached to our national interest, according as circumstances may answer me.

7. Resolved, that I will not withdraw myself from this honourable society, or join in society where persons of other denominations are under the censure of God's judgment in his compassionate mercy, not meaning trade societies or soldiers.

I, *A. B.*, having made the above promise of my own free will and accord, may God assist me in my endeavours to fulfil the same, and may God protect our friendship and grant us to live in a state of grace. Amen.

G—n—l Re—la—ns for the p—ot—ic Asso—ia—on or, S—ns of the Sh—m—ck.

1. *Resolved*—That as far as our s m has extended throughout each p h, they shall be divided into b s of 20 in n m; who are to elect three c men a f r and, a m er, and to represent them at the P. M.; and a book is to be kept by the m er, and another by one of the c en, and by that means no defraud can be committed.

2. That a m ing of each b y shall be held at a regular period, where differences between m s may be tried by four m n of the same, and if they cannot agree, or either parties consider themselves not justified, it may be then lawful to bring it forward to the P. M., where the m rs assembled shall appoint a select c tee to decide upon it.

3. That the different b ers before each P. M. do hold a m ing in order to represent the state of their b y to P. M. rs in like manner, before the c y, or d t m g; where they are to divide each c y into two or more d ts; who are to send d tes to the p al m g, in order to make or repeal l ws for the benefit of their in n, and those d tes shall in f r d ys after their re n, hand down the re ls for the ensuing y r.

To

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To the D——tes a—em—ed at the C. M.

Ge——al R——S——NS.

1. That no d te shall be received from any of the two d ts of any c y without an accredited c cate from c ents.

2. That no d te shall issue or communicate any such re ls that shall come to him through the p al authority of this in n, to any other than the m rs or c en of so y in his parish.

3. That no c an shall communicate any such re ls to any other than the me rs of his b y.

4. That no m r shall be admitted or retained, who will not yearly receive the S nt, and perform their ch n duties in a regular manner.

5. That m rs shall not be restrained from forming side l ws for the internal r ns, and be fit of their own b es; and they at the same time shall conform with respect to the general l ws.

6. That each m r shall pay q ly 5*d.*, or any sum that may be thought necessary by the P. M rs to defray their q ly expense; any m rs refusing to do so shall be expelled and reported.

F——S for N——A——CE.

Resolved—That the attendance of persons in office shall be indispensable; but when they send a person in their absence, bearing the necessary cre als, or pay the following fines promptly:—P ial D tes, the sum of 1 *l.* for absence from the p m g; or absence from the c m g, 5*s.*; for absence from d m g, 2*s.* 6*d.* M rs absence from the ph m g, 1*s.*; c en from a body m g, 10 *d.*; m rs, 5*d.*

F——S for V——ON.

Any m r that knowing strikes another, is to pay for the first offence 2*s.* 6*d.*; for the next, exclusion of fr ip; that provokes, 1*s.* 3*d.*; for the next, 5*s.*

Any m r that strikes a M r, &c., 5*s.*; for the next, exclusion of fr ip, that provokes; 2*s.* 6 *d.*; and 5*s.* for the next.

Any D te that strikes to pay 5*s.* 8*d.* for the first, and for the next exclusion of fr ip; that provokes, for the first 2*s.* 6*d.*, and 5*s.* for the next; and for wronging or speaking ill of each other to be decided by a select c tee.

That each d te, for any c y, shall return yearly the n er of m rs in his d ct, and the same shall be entered in the pr al r ry.

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Passwords, No. 1.

The times are changing for the better, sir;
I hope we will have a plentiful harvest;
The people were very much opressed,
Providence will always relieve his people.

Were we but once from bondage free,
We would never sell our liberty.

Provoke me not, sir.
I hope you will not give me reason.

Passwords, No. 2.

Will we have a repeal?
Our monarks not inclined.
It was a curst measure:
Yes, it proved Erin's downfall.

May the Parlement house in ruins remain,
Till all the rights we lost return again.

Night travelling I don't like:
It can't be avoided.

Don't hurt feelings;
I am not inclined.
FA. OH. D. G. P.

Passwords, No. 3.

What do you think of the ministry
I hope the may govern the People;
the have the voice of Our friends
I hope the will Be always in their place

May all Patriots still join
Yes and keep down the Tories that won at the Boyne
Don't offend me, Sir.—
You seem Provoking.

Travelling Ticket, No. 1.

And when Joseph was innocently walking with his brethren, they sold him; he was carried to the land of the stranger, and by his righteousness before God he became the chief of Pharoah; and relieved their brethren in distress, forgetting their iniquity, and weeping for joy; inquiring for his father Jacob, and his younger brother Benjamin. So, my dear brothers, forget injustice, and relieve one another when in distress, and God will protect us from our enemies.

Travelling Ticket, No. 2.

Divine Precepts.

My sheep hear my voice, and I know them, and they follow me; and I give them life everlasting; and they shall not perish for ever; and no man shall snatch them out of my hands.

Let

Let the love of brotherhood abide in you, and forget not hospitality. *M. Hamilton, Esq.*

Love without dissimulation, hating evil, cleaving to good. Love one another with brotherly love, without preventing one another. 29 April 1852.

Above all things have mutual charity among youselves.

1597. Mr. *Solicitor-General for Ireland.*] Have you remarked an identity of purpose among the Ribbon confederacy, where the thing exists in Antrim or Louth?—Always; and, generally speaking, the same description of obligation, printed, is found, and what is called a travelling ticket, which is a pass with which a man, having obtained it from the master of some particular district, can pass through any part of Ireland without being molested; and not only so, but if he fails in money to prosecute his journey, he is supplied with money.

1598. If you found a person to-morrow with documents of that nature in his possession, which were proved to be Ribbon signs, have you a mode of prosecuting him?—I think not.

1599. Do the members of the Ribbon confederacy belong to one religious sect?—Yes; all approvers tell me so.

1600. What do they tell you?—That none but Roman-catholics could belong to it.

1601. Although it relates chiefly, as you say, to agrarian cases, is that organization capable of being turned to any other purpose?—Yes; to anything that requires physical force to carry it into execution.

1602. Physical force, unrestrained by any moral or legal obligation?—Very much the contrary; for I should say that they fancy they are under a very great obligation to do whatever they may be desired to do; they take an obligation or oath to carry out any command of their superiors.

1603. You say they are acting under a law of morals of their own?—Yes.

1604. That is to obey the unlawful obligation or oath that they take?—Yes.

1605. And although it contradicts the law of God and of man, they do it?—Yes.

1606. Is it part of the same system to swear afterwards to the innocence of an individual whom they know to be guilty?—Yes; and a part of their rules, according to the documents I have handed in, is to get a brother out of any sort of predicament or distress into which he may have got.

1607. Does that observation apply to a trial for a crime?—I should say so.

1608. Is the existence of such conspiracies in a country an impediment

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impediment to its progress, civilization, and industry?—Of course; because it deters respectable and better sort of persons from inhabiting a country where they are liable to be murdered.

1609. Have you, in the course of your investigation into facts in the county of Louth, discovered latterly any particular atrocities practised on the part of the gentry?—From any inquiry that I have made, quite the contrary.

1610. And yet Ribbonism exists over the whole county?—Yes.

1611. Have you, in the course of your investigations, discovered any particular wickedness to have been perpetrated by the gentry in the county of Monaghan latterly?—No.

1612. Was there anything particularly offensive or cruel in the character of Mr. Bateson, who was lately murdered?—I have always heard and believed very much the contrary, and that he was a man sincerely anxious for the welfare and well-being of the lower orders.

1613. But he offended in some way the Ribbon code?—He was an agent, collecting rents, which is quite sufficient.

1614. In reference to the county of Armagh, will you be precise in describing to the Committee the districts where Ribbonism chiefly prevails, and the portions of the country into which it has not yet found its way; is all Armagh infected, or part of it, and what part?—Not the northern part of it.

1615. Name the district which is most infected by Ribbonism?—The baronies of Fews and Orrier.

1616. Is Crossmaglen included in that barony?—Yes; the district about Newry, which embraces a part of the county of Down.

1617. You say it has not yet prevailed towards the North?—No.

1618. But even in Antrim county, which is so flourishing, cases of Ribbonism have occurred, and have been prosecuted by you?—Yes.

1619. That is, it has been endeavoured to introduce the system there?—Yes; the system has been there and the staff of the establishment.

1620. Of what establishment?—The Ribbon establishment is in Belfast as well as elsewhere.

1621. Is there also a staff of good jurymen and witnesses, who would be likely to tell the truth?—Yes, certainly.

1622. Does that staff keep in check the other staff?—Yes.

1623. If you could bring, to be tried by the same tribunal, other cases of that description, do you believe they would give honest

honest and impartial verdicts in the counties of Antrim and Belfast?—I believe they would.

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1624. Do you believe publicans to be abettors of the system of Ribbonism, or is it your opinion that the confederates make use of public-houses, as being the most convenient places for organizing their plots?—I believe they make use of public-houses, as being the most convenient places, and where they are able to go in and out without observation.

1625. Do you hold the opinion, that they are the sole abettors of Ribbonism?—No. If it was conspiracy confined to public-houses, I should say that our police would be of very little use if they could not cope with a set of publicans as conspirators; I could not understand that state of affairs.

1626. Although they may make money by it?—Of course anybody who sells a pass makes some money by it; but they tell you, that they are obliged to account to the society for all the passes they are paid for.

1627. Mr. *Hatchell.*] You mean that the publicans sell the passes?—Yes, if they are the proper officers of the society for that purpose.

1628. Mr. *Solicitor-General for Ireland.*] You mean they sell passes to Ribbonmen?—Yes.

1629. Travelling tickets, to enable the individuals who possess them to travel in security wherever Ribbonism prevails?—Yes; and on the swearing in of a new member, a shilling is paid.

1630. Lord *Naas.*] What do they pay for passes?—Sixpence, and sixpence for the pass-words.

1631. Mr. *Solicitor-General for Ireland.*] The general confederacy is independent, according to your testimony, of the particular interest of publicans?—Yes. At Belfast, the other day, it was ascertained that a man who sells iron was the parish master of Belfast at present.

1632. State the principle on which the parish master, the delegate, and the county members are chosen. What are the officers of the system?—There is the county delegate, he has under him parish masters and, I think, district masters.

1633. And delegates?—Yes; county delegates are the representatives of the county.

1634. Mr. *Drummond.*] You have stated that the root of the Ribbon system is the agrarian question?—I said that was the principal cause of it.

1635. If that be the case, how would it be cured by a change of venue?—Because, in the district into which the case went for trial, there might be some conscientious parties and persons not of the Roman-catholic religion, and who, at all events,

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events, would be unconnected by relationship with the parties to be tried.

1636. You mean that convictions would be more easily obtained?—Yes.

1637. But the cause would remain just as it is at present?—I do not think that all Ireland is equally affected with the agrarian question.

1638. You were understood to state that that was the root of it, when you were asked what was the object of the Ribbon system?—That was, I believe, the original object of forming the Ribbon Society.

1639. You gave the instance of Mr. Quinn having made a clearance, and having paid the people to go off the ground. Were they small cottages?—Small cottiers.

1640. What is the value of such property?—I should say that, generally speaking, they paid 1 *l.* a year, perhaps, for their tenements.

1641. What do you suppose is the value they got to go away?—Really I do not know.

1642. What do you suppose to be the average?—Generally speaking, there are terms made; there is a passage given to America, and 2 *l.*, or something like that.

1643. Was the passage of those people paid to America?—I do not know; nor do I think they were even put off the ground; for the murder of Powell (Mr. Quinn's steward) stopped all the improvements Mr. Quinn was making.

1644. Were cottages built for them anywhere else?—Anybody who was paid to go out of an old house would not have a new house built for him.

1645. You have stated that there is a good deal of false swearing. Of course where there is contradictory evidence, a good deal depends upon the character of the person. What class of people come to give good characters to the witnesses whom you know to have been perjured?—It is very seldom that a witness is backed up by evidence of good character.

1646. You state that there is a great demoralising effect on the minds of the people by witnessing these murders; and that there is a great recklessness of human life?—Yes.

1647. And that it is produced by witnessing the murders and taking no part to prevent them?—I think that must have that effect.

1648. Have you ever known anything amongst the higher classes which was likely to demoralise the people, by giving them an idea that human life was of little value?—No; unless we go into the subject of duelling.

1649. Do you recollect the case of the duel of Mr. Colclough?—I do not recollect it.

1650. You do not recollect that there was an immense collection of persons from some counties round to witness it?—No; I never heard of the man, or the case alluded to.

1651. In what way do you think a change of venue would act, otherwise than in procuring convictions?—I think that the knowledge that there was the power of changing the venue would act to prevent people committing crimes, from the fear of being taken into another county where they would not be able to make the same sort of defence, before the same sort of jurors, as they would make in their own county.

1652. But it would not affect the cause and the root of the irritation?—No, except it produced a cessation of crime and outrage.

1653. Do you think the outrages and crime will cease so long as the cause exists?—I do not think there is any real cause.

1654. Not the agrarian cause?—No.

1655. Lord *Naas.*] Do you think that any general alteration in the circumstances of the country; for instance, a general reduction of rent, would put an end to these outrages?—It has been ascertained not to be so in counties where rent has been reduced, for it has not made the slightest change. On the contrary, they expect to get a further reduction of rent; and the idea among them is, that ultimately they will get the land for nothing.

1656. Then the reduction of rent has not had the effect of putting a stop to the system?—It has not.

1657. Do you imagine that the spread of what is called the tenant right system, or the principles which are advocated by the Tenant League, would in any way put a stop to the system?—It is very difficult to define what is tenant right.

1658. Mr. *O'Flaherty.*] Do you think that any legislation on the law of landlord and tenant would be likely to affect these systems?—I think not.

1659. Then you are of opinion that the only mode of putting a stop to these systems is by the assertion of the authority of the law, and being sure of obtaining convictions where persons are prosecuted, and are known to be guilty?—Yes; I think that is the proper mode.

1660. And that it is the only way?—It is the only way that occurs to me of putting a stop to it.

1661. The *Solicitor-General for Ireland.*] You have stated that the reduction of rent has not reduced crime, and that when

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a reduction of rent was obtained they looked for a still further reduction, and finally to get the land?—Yes.

1662. But what do they do with the proprietors of the land?—They do not care much about that part of the business.

1663. How are they to dispose of the proprietors?—Starve them out, I take it, by withholding payment of rents.

1664. Any other process?—Yes; if necessary, they murder them.

1665. You have stated in the progress of your evidence, that you propose, first, to give a power of changing the venue in this class of cases?—Yes.

1666. And, secondly, an improvement of the jury lists?—Yes.

1667. And, thirdly, a restoration of the clause in the Ribbon Act, enabling you to convict men for having in their possession Ribbon documents?—Yes; and making that Act perpetual.

1668. Would you extend that Act to England?—I think it would be a difficult thing to do so, because there are so many clubs in England, that I think you would find that you could hardly get an Act passed to that effect; but a great number of persons come over from England, where they have been sworn in as Ribbonmen.

1669. Do you find, in the course of your experience, men coming from Manchester, Glasgow, or Liverpool, connected with the Ribbon system?—A great number; and in that case of O'Hare, and others at Armagh, a delegate from Glasgow, and a delegate from Liverpool, were two of the parties indicted; their letters were found.

1670. Ribbonmen maintain a correspondence with their confederates in large towns in England?—Yes; in large manufacturing towns in England, which are full of Irish people.

1671. To your knowledge, have there been lately any cases in Belfast, or at any other place, of prosecuting men who were found merely with documents in their possession?—Yes; near the town of Antrim; but no prosecution took place.

1672. What occurred?—One man was taken up who had in his possession a list of the members of his lodge, which led to the taking up of a great number of others.

1673. Were they prosecuted?—No.

1674. Why?—I never saw the papers till the other day.

1675. Was it partly from not having in force the section of the Act, which makes it criminal for a man to have in his possession such documents?—Yes.

1676. In reference to the conduct of Crown prosecutions on

on circuit, would you recommend that two counsel should be exclusively devoted to the criminal business of the circuit, with leave to call in a third wherever the Crown solicitor should deem it necessary; or would you prefer the system of having a different assistant in every county to the one Crown prosecutor?—I think it would be desirable to have two persons, who should make the criminal law their study, and enter into a compact not to attend to any other business on circuit than the Crown cases.

1677. Mr. *Hatchell.*] You are aware that Sir Thomas Staples and Mr. Hanna were the Crown prosecutors?—They were.

1678. On the death of Mr. Hanna, assistant Crown counsel were appointed for each assize town, to assist the senior counsel, Sir Thomas Staples?—Yes.

1679. You think that the former system would have been a better course?—I think it would.

1680. Have you not heard complaints that the two gentlemen who have been permanent Crown prosecutors for many years, and are now advanced in life, are not as efficient as when they had young blood mixed with them?—There is no doubt about that.

1681. Therefore, taking a man of standing and experience as one of the conducting counsel, and adding to him a more juvenile, competent man, confining himself also to the Crown business of a particular assize town, does it not occur to you that that is an improvement of the system, of having two old men?—I do not think that the profits of one town would make it worth a man's while to study the criminal law sufficiently to make himself a very efficient prosecutor.

1682. Would he not be more likely to be a more efficient man for practical working in Court, if he were a junior man of competent knowledge of his profession?—Before Mr. Hanna, the second counsel for the Crown was Mr. Serjeant Currey (afterwards Master Currey), and there could not be a more efficient man.

1683. Were there a good number of Ribbon cases tried in the years 1842, 1843, 1844, and 1845?—There were; and in the years 1842 and 1844 particularly; in fact, up to the passing of the amended Act, wherever we could catch people with papers, we prosecuted them.

1684. Do you remember Mr. Blackburne, who was then Attorney-general, attending in some of those cases?—He attended in 1844, at Armagh.

1685. On that occasion was he assisted by the two perma-

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nent Crown counsel, Sir Thomas Staples and Mr. Hanna?—Yes.

1686. And therefore he had an opportunity of knowing, personally, the capacity of those two gentlemen?—Yes.

1687. They are gentlemen of high character and knowledge of the criminal law?—Yes; Mr. Hanna is dead.

1688. Do you remember Mr. Brewster also going down specially?—Mr. Brewster went down to Monaghan, to prosecute a person of the name of Sam Gray.

1689. He was one of the law officers?—He was law adviser at the time.

1690. On that occasion he also was assisted by the permanent Crown counsel?—Yes.

1691. And he had an opportunity of judging of their capacity and ability to discharge their duties?—Yes.

1692. During your great knowledge of Sir Thomas Staples and Mr. Hanna, in the discharge of their duties, had you ever any reason to complain of their ignorance of their profession, or of any inattention to their duties?—No. I believe there is not a better read man than Sir Thomas Staples; and Mr. Hanna was a very good pleader. It is the department of the junior counsel to draw the pleadings.

1693. You have stated that there were two trials in the case of the murder of Mr. M'Intaggart; and that on the first occasion, at the ordinary assizes, the jury disagreed?—They did.

1694. The assizes were adjourned to about the 5th or 6th of August?—Yes; there was an interval of about a fortnight, I think, between the two trials.

1695. Was it not the fact, that on the second trial the sister of the young woman who identified the prisoner on the first trial was produced to contradict her sister, or to give evidence for the prisoner?—Yes; so she was also at the first trial.

1696. She was examined at the first trial?—Yes.

1697. Were there not some other witnesses produced; and and do you remember a man from the railway?—Yes.

1698. A new witness?—Yes.

1699. Was he examined for the prisoner?—He was.

1700. Has your experience led you to know, that where a jury disagree, and an interval of time elapses before a second trial takes place, it enables those who are concerned for the prisoner to get up a case, and meet the case of the Crown on the former occasion?—Yes.

1701. And on the second occasion the man from the railway was

was examined, who was not produced at the former trial?—Yes.

1702. You were present at the examination of the sisters?—Yes.

1703. She was a married sister?—Yes.

1704. From your observation of the evidence, and your experience of the Ribbon system, did it appear to you that she was mixed up with the Ribbon conspiracy?—Certainly; her husband was a Ribbonman.

1705. From circumstances which have since come to your knowledge, do you know whether her husband has fled to America?—Yes; he fled immediately after the murder; in point of fact, on that occasion, he was the man who pointed out the unfortunate deceased to the two persons who were hired to commit the murder.

1706. The husband of the sister of the married man was the person who appeared to have been at the ditch?—Yes; and who pointed out the young man who was to be murdered.

1707. Do you remember what Mrs. M'Quillan swore to, in order to defeat her sister's evidence?—She swore that she had a conversation with her sister, who said that she was very sorry for the information she had laid before the magistrates; that she would not have laid it if she had not been compelled to do so by the magistrates and by the police; that what she said was false, and that she did not really know the two men whom she did prosecute.

1708. Do you remember the sister being called up to confront her?—I do.

1709. Do you recollect her denying positively, upon her oath, ever having had such a conversation with her sister?—Yes.

1710. Mr. *O'Flaherty.*] You have stated that some changes are required in the formation of the jury list; what change would you suggest?—A higher qualification.

1711. You state that the present mode of returning jurors was through the barony constable?—Yes.

1712. You are aware that the barony constable is bound by the law to return a certain number of the highest ratepayers?—Yes; but he returns a very large number, and the sheriff chooses out of those whom he pleases.

1713. The present system is, that the barony constable returns to the magistrates at sessions a certain number of the highest ratepayers?—No, not of the highest ratepayers; at least, from the appearance of the jurors in court, I cannot suppose they are returned as the highest ratepayers.

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1714. The *Solicitor-General for Ireland.*] Do you mean to state, as a matter of law, that the barony constable does return, in that way, a number of persons from among the highest rate payers?—I really do not know what the law is.

1715. Mr. *O'Flaherty.*] Will you suggest any other mode of forming the jury list than that which is at present in existence?—I should think that the best mode would be on the Poor Law valuation, and making it a 20 *l.*, or 30 *l.*, or 40 *l.* qualification for a juror on that valuation.

1716. Then, having framed your jury list upon a principle such as you have now described, you would constitute one panel?—I think that would be the proper way of doing it.

1717. For both the civil and Crown side?—Yes.

1718. And you would try all parties, in all cases, by the same panel?—Yes; I think that would be the most satisfactory way of doing it. It seems to me to be a most extraordinary state of affairs, that a man's life should be thought less of than a frivolous action for 5 *l.*

1719. With respect to the change of venue in some of these cases, is there not a power at present in existence of changing the venue?—Yes; upon applying to the Court of Queen's Bench, where you can make a sufficient case; but it requires a very strong case to induce the court to interfere to change the venue.

1720. Supposing the venue was changed from the county of Armagh to Dublin, would not that be attended with serious consequences to the prisoner, as far as regards the expenses of his defence?—Yes; I should say, that wherever the Crown found it necessary to change the venue, the Act of Parliament ought to provide for the expenses of the witnesses of the prisoner.

1721. Supposing that the jury list was altered in the manner you have proposed, would it be necessary to carry out the other proposition of change of venue?—Really, in the county of Louth and in part of the county of Armagh, the system of the Tenant League is so very extensive, that I should say it would; because there are very respectable persons who are joined in the Tenant League; and the Tenant League, I am sorry to say, have lately employed the Ribbonmen to commit outrages.

1722. You speak of the Tenant League, as distinguished from tenant right?—Yes.

1723. You think that the Tenant League are the originators of outrages in that part of the country?—This is a very late state of affairs.

1724. You

1724. You state that to be the case, from your experience as Crown prosecutor?—I think so.

1725. You state that they employ a certain class of persons to carry our their views?—They apply, through some agency, to the heads of the Ribbon Society.

1726. Do you mean to state, that the Tenant League are the propounders or the originators of murders?—I think they are, in that way.

1727. By the Tenant League, I mean a certain association which has been established in Ireland, for the purpose of procuring what is termed tenant right for the country generally?—As to tenant right, I think what they want is a reduction of rents.

1728. Mr. *Caulfield.*] When you speak of the Tenant League, do you mean that public body which is very well known as existing in Ireland, and whose operations are not secret; or do you mean a mere local association among the tenants in a district, for the purpose of procuring a reduction of rent, or any other thing?—First of all, I think it is a local organization; and then they are ready to meet in general bodies, as occasion may require.

1729. Mr. *O'Flaherty.*] You will understand that in the question I put to you, I was alluding to a certain body, organized principally in the city of Dublin, called the Tenant League Association; they have meetings in different parts of Ireland?—Yes.

1730. As far as the law of the land goes, they are not, I believe, considered to be an illegal body; but I wish to know whether, in answering my questions with reference to that body being the originators, as you have stated, of crime in the north of Ireland, you alluded to the body I have now described, or to any other body?—It has never been traced up to any of them, that they directed a murder; but I mean to say that the speeches which are made, and the writings of various parties, are incentives to murder. Many of the members and subscribers to the Tenant League are also members of the Ribbon Society.

1731. Are the Committee to understand that you adhere to your original answers to the questions put to you, or not?—I rather think I have adhered to them.

1732. As Crown prosecutor, have you any official knowledge of the Tenant League having taken any part in committing crime, or given any instructions or directions for the committing of crime?—No.

1733. From your experience, do you attribute, or have you ever

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ever heard attributed by others in the same position with yourself, the failure of prosecutions to the class of Crown prosecutors existing, or which at one time existed, in Ireland?—I have.

1734. On more than one occasion?—Yes.

1735. Have you ever heard a judge of assize, from the bench in Ireland, condemn prosecutions upon a certain circuit in Ireland, as having been conducted in a manner which was disgraceful to the country, and to the administration of justice?—I do not recollect ever to have heard such a thing.

1736. You have stated that you would prefer to have two standing prosecutors for each circuit?—Yes.

1737. With power to call in assistants in the different towns when required?—Yes.

1738. You think that would be the best mode of proceeding?—I should say that would be the best mode of proceeding.

1739. Have you known that many young men have been appointed as assistants to the Crown prosecutors in different towns, not so much from any knowledge of their particular business as from interest of any description, parliamentary, or otherwise?—I cannot say that I have. I should say that a man's qualifications are always looked to in the first instance; and then, of course, if he is a friend to the administration which happens to be in power, he is preferred to a person who is not a friend.

1740. How do you know that his qualifications are looked to?—I know nothing about that; the appointment vests in the Attorney-general.

1741. You presume that?—Yes.

1742. In point of fact, do you know of your own knowledge that persons have been appointed to conduct Crown prosecutions who were not the best persons who could have been found for the purpose?—I have had a set of efficient juniors on my circuit, lately appointed.

1743. Generally?—I can only answer for my own circuit; I have found them efficient, and that they do their business very well.

1744. Then why should you not allow the system to go on as it is at present?—Because I think that it would be better that there should be a general mode of drawing indictments. I find that each young man lately appointed has his own mode of drawing indictments. I think that a general mode of conducting Crown prosecutions would be more satisfactory to the public. The indictments are all very good indictments, but I think it would be better if there was a general system.

1745. You

1745. You stated, with reference to public-houses, that the regulation of Ribbon Societies was not confined entirely to public-houses?—Oh, no.

1746. It extends to other classes of persons?—To other classes of persons altogether.

1747. Would any change in the law, with reference to licensing public-houses upon a more restrictive principle, put an end, in a great degree, to the meetings or to the regulation of Ribbon confederacies in those houses?—If you could enlist the publicans in keeping unlawful societies from their houses, of course it would be a great step towards getting rid of Ribbon lodges.

1748. Would a restriction in licensing, so as to make it a higher or a better class of persons who were licensed, have a good effect in checking the Ribbon system?—I think so; because they would be more trustworthy persons, and more likely to give information of secret matters which were going on.

1749. Supposing these people, instead of coming to public-houses, removed their quarters to other houses, could they not still continue in those other houses?—Yes.

1750. And therefore a change in the licensing system would not be perfectly effective?—It would not be perfectly effective; many of the meetings of these Ribbonmen are in unlicensed houses.

1751. In the case of O'Hare, who was tried for murder, the jury disagreed on the first trial, and convicted him on the second?—Yes.

1752. The jury was constituted from the same panel on the first trial as on the second?—There is always a different panel returned for each assize; but O'Hare was not tried for murder, but for having Ribbon papers in his possession.

1753. He was tried by the common Crown panel, and there was no material change of the panel from what the sheriff might make?—Nothing beyond what the sheriff might make.

1754. In the case of Mr. Quin, you have stated that there was a clearance on the property for the purpose of making a domain?—I believe there were some people turned out, but very few.

1755. Persons were removed from the estate for the purpose of making a domain, and all the persons who were so removed were paid?—Yes, so I have been informed.

1756. Were any of those parties ejected?—I rather think they were all cottiers and tenants at will.

1757. With regard to persons who are called for the purpose of

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of giving evidence of character in the cases of prisoners charged with offences, what class of persons generally are those who come to give evidence as to character?—All sorts of persons.

1758. Are they generally of the class of the prisoners themselves, or of a higher class?—Very seldom of the class of the prisoners themselves; they always choose a person of a higher class. Upon the trial, in the case of M'Intaggart's murder, a man was produced as a witness to character, a publican, from the district where the persons charged lived; and this man, on cross-examination, on being asked whether he was a Ribbonman (it being well known that he had a lodge in his house), said, hesitating a little, "Virtually I have been one, but I have withdrawn." On that same occasion, a very high character was obtained from the priest of the parish of Enniskeen.

1759. Was the priest cross-examined on the occasion?—No; priests are very seldom cross-examined on coming to give evidence to character.

1760. You wish to have the provisions of the law of 1840 restored?—Yes.

1761. To enable you to try persons upon whom documents, of the description which you have produced, may be found?—Yes.

1762. Mr. *Keogh*.] You say you have had great experience in the conduct of Crown prosecutions in Ireland?—Yes.

1763. And you are well acquainted with the Ribbon system, as far as it can come under the notice of gentlemen in your position?—Yes.

1764. If any person stated that if the jurors in Ireland were to be persons having holdings of 5 *l*., every man in Ireland of that description was a Ribbonman, would that statement be true, or a gross exaggeration and absurdity?—It would be an exaggeration. The Ribbon Society is confined to Roman-catholics.

1765. You have stated, from your experience, that Ribbonmen getting upon juries, would never find a verdict against their fellows?—Yes.

1766. You state that from frequent experience?—Yes.

1767. Do you speak from your experience, acting in your public capacity of Crown solicitor?—Yes.

1768. Of cases that have come under your own knowledge?—Yes.

1769. In Crown cases, have you not the power of telling jurors to stand aside, if you think proper?—Yes.

1770. Why did you not, in those cases, tell the Ribbonmen to stand aside?—I did not know they were Ribbonmen.

1771. How

1771. How did you know it afterwards?—By conversation with other jurors.

1772. State the cases in which you were told they were Ribbonmen?—For instance, in two or three cases which were tried in 1842 in Armagh; there was a disagreement, and I ascertained afterwards, that the persons who held out were persons who were known to be Ribbonmen.

1773. How did you ascertain it?—By conversation with other jurors.

1774. Then all that you state about men being Ribbonmen, arises from conversations that you have had?—Precisely.

1775. Have you any knowledge of the county of Monaghan?—Yes.

1776. Do you prosecute there?—Yes.

1777. Do you recollect the celebrated Sam Gray?—Very well.

1778. Was he a Roman-catholic?—No.

1779. Did you prosecute him?—Very often.

1780. Did you prosecute him three times for murder?—He was tried once for murder.

1781. Was he tried by Protestant jurors?—There was a mixed jury, generally speaking.

1782. Was he found guilty of the murders?—No.

1783. You know Mr. Brewster?—Very well.

1784. Did not Mr. Brewster prosecute Sam Gray?—He did.

1785. He was Solicitor-general at the time?—I think he was law adviser.

1786. At all events, he prosecuted specially for the Crown?—He did; I have already said that he was only tried once for murder.

1787. For what else was he tried?—He was tried for shooting at people.

1788. Then you draw a distinction?—To be sure.

1789. Were the people shot?—They were not; one man was shot, and murdered; a man named Murphy; and for that offence he was tried and acquitted. Two other persons were with the man at whom he shot; Gray, after he had shot Murphy, fired at one of these men named Cunningham; he was tried for shooting with an intent to murder, and he was ultimately convicted of that crime.

1790. Was he not acquitted of the murder?—Yes.

1791. Was not the same evidence brought forward to sustain the subsequent charges?—Not the same evidence; for there was one witness whom Gray had contrived to send out of

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of the way on the first occasion, who was obtained by the Crown subsequently, and produced on the other trials.

1792. Did the Crown entertain any doubt whatever of his guilt?—There could be no doubt of his guilt.

1793. And yet he was acquitted?—He was acquitted.

1794. Was that murder committed in daylight?—It was committed at dusk, at four o'clock on a November evening.

1795. Going into a town?—Very near the town of Ballybay.

1796. Was it not notorious that you could not get Sam Gray convicted of that murder, of which you say you entertain no doubt of his guilt, because of combinations on the jury?—I think that was the cause of it; and we were obliged to resort to a *nisi prius* trial, and then he was convicted.

1797. Do you know of a very eminent person at the bar when Sam Gray was afterwards found guilty of another offence, having at his own expense carried his case, on a point of law, to the House of Lords?—I do not know whether it was at his own expense, but our present Attorney-general was his counsel in the House of Lords.

1798. Do you know of an eminent person at the bar, and as you have now stated, the present Attorney-general having carried that case to the House of Lords in England, upon a point of law, in order to secure the acquittal of Sam Gray?—Of course it would have that effect.

1799. Was not that the fact?—To be sure; it would have that effect.

1800. Sam Gray was one of the fraternity commonly known as Orangemen?—Yes.

1801. Was he a leader, or head man among them?—He was a very leading person.

1802. Was it not believed in the Crown Office that he had been guilty of several murders?—Of homicides.

1803. Did you ever hear Mr. Brewster state that he never would have prosecuted Sam Gray so often as he did, but that he believed him to be guilty of three wilful and deliberate murders?—I did not.

1804. Did you ever hear him say anything to that effect?—No.

1805. Did you ever know that was assigned as the reason for prosecuting the man so often as he was prosecuted?—No; I do not think that was the reason.

1806. Was it not considered rather harsh to prosecute a man very often for substantially the same offence?—No; I think that if a man sends witnesses out of the way it is the duty

duty of the Crown to follow up the case against him when they have got the witnesses back again. *M. Hamilton, Esq.* 29 April 1852.

1807. You have stated that it was notorious that Sam Gray had committed several homicides?—Yes.

1808. Were they Roman-catholics whom he had killed?—Generally speaking, I think they were.

1809. Do you recollect of what crime Sam Gray was ultimately found guilty?—Of firing at a man of the name of Cunningham, with intent to murder him. Cunningham is a Presbyterian.

1810. Was there any doubt that he had committed that offence?—Not the slightest.

1811. What was his sentence?—To be transported for life.

1812. Did the House of Lords reverse the judgment?—Yes.

1813. Do you recollect the point upon which he was saved?—Yes.

1814. What was it?—The Crown had objected at the assizes to his peremptory challenges, and it was ruled that he had a right to peremptory challenges.

1815. Then the whole question was, whether or not he had a right to challenge peremptorily?—Yes.

1816. Not being a capital crime?—Yes.

1817. That case was carried to the House of Lords?—Yes.

1818. Was it argued by the present Attorney-general?—Yes.

1819. And Sam Gray was restored to the country and the admiring public?—He was ultimately let loose.

1820. Was he afterwards tried for any other offence?—No.

1821. Do you recollect his son and himself being tried together?—Yes; they were tried in different courts at the same assizes; the son was tried in one court for perjury, while the father was being tried in the other court for the firing at; the son was sentenced to transportation for seven years, and the sentence was carried into effect against him.

1822. To what do you attribute the origin of Ribbon Societies?—It is difficult to state their origin; and I never could get an approver to give me any reason for their being called together. I recollect one man whom I examined making use of a curious sort of expression. I said, "What is the object of your being sworn and banded together in this way?" And he said, "Sir, I really do not know any other object than to be ready for the call," as he expressed it.

1823. Do you think that agrarian transactions are at the bottom of it?—I think the Ribbon Society make use of their body

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body to effect agrarian purposes; but I do not think that the society ever originated because of agrarian operations.

1824. Would you say that the Orange Society was any cause of it?—Indeed I should say that it was not.

1825. Why?—Because I do not see how it could be so.

1826. Are you not aware that those societies grew up from a species of antagonism the one to the others?—When they exist, they are antagonistic.

1827. Have you ever known a failure of justice on your circuit, in consequence of the inefficiency of the prosecutors?—Indeed I should say not; I think it is a difficult matter to answer a question of that sort; and I should be sorry to place myself in a position to pronounce upon the competency of any gentleman at the bar.

1828. Have you heard it generally pronounced upon?—I have heard grand jurors and others say so; but do not think they are proper judges.

1829. Have you ever known grand jurors say on your circuit that there was a failure of justice in consequence of the incompetency of prosecutors?—I have.

1830. Frequently?—Very often indeed.

1831. Was it not the fact that the gentlemen who were prosecuting were gentlemen who had least of the public patronage, or at least who had not the confidence of the public very much?—I think that any person who is objected to as not being a competent person cannot have the confidence of the public.

1832. Had they the confidence of the public as shown in their branch of the profession?—No; they had not much private practice.

1833. Mr. *Hatchell.*] Does it occur to you, that to a great extent the complaints of the failure of Crown prosecutions arose from the permanent counsel being in fact abstracted entirely from the civil side of the court, and also being considerably advanced in years, and continued in the office?—I think the being advanced in years is almost a sufficient cause.

1834. And upon the system which you think ought still to be persevered in, of having two permanent Crown counsel, they must grow old in the service?—Yes; and all the young men will live to grow old; at least I hope they will.

1835. They only practise in one town, they have their civil business in other towns, and they may have their general practice, and all they lose is the civil business of the assize town?—That is all they lose.

1836. Mr. *Keogh.*] Do you recollect that upon the trial of Sam

Sam Gray there were rejoicings upon the disagreement of the jury?—There always were rejoicings. He had a very strong Orange body, and they always accompanied him to the town when he came to be tried.

1837. And back again?—Yes.

1838. Was he not called "The Protestant Hero of Ballybay"?—He was Sam Gray, of Ballybay.

1839. Was he not called "The Protestant Hero of Ballybay"?—I believe so.

1840. Mr. *Solicitor-General for Ireland.*] That is, a hero because he had opposed Jack Lawless?—Yes.

1841. Who was Lord Lieutenant at the time these crimes, about which you have been asked, were committed by Sam Gray?—I think Lord de Grey.

1842. Did the Government, you acting as their official against this man whom you say was a leading Orangeman, do everything that a Government could do to obtain a conviction?—No doubt of it.

1843. You have stated that he was first tried for having shot a person on a November night?—Yes.

1844. Who was Sam Gray's leading counsel on that occasion?—I think Mr. Tombe.

1845. Was there a great body of evidence given on that occasion in his favour?—Yes.

1846. Was the girl who had seen him on the road, as you have already stated to the Committee, absent?—Yes.

1847. Was he acquitted?—He was.

1848. Did you not prosecute him several times afterwards?—I did.

1849. For firing at the other two men?—Yes.

1850. Was he not convicted by an exclusively Protestant jury on the civil side of the court?—I do not think they were exclusively Protestant; I think there were two Roman-catholics on the jury.

1851. At the time he was last tried, was he not utterly ruined in circumstances, and did he not apply to Mr. Justice Perrin to be defended as a pauper?—Yes.

1852. In your presence?—Yes.

1853. Did Mr. Justice Perrin, in your presence, assign my learned friend the Attorney-general for Ireland, and myself, to defend him?—I do not exactly recollect.

1854. Do you recollect his requesting us to defend him?—I think I recollect his requesting it.

1855. And at the request of the Judge we defended him?—Yes.

1856. Do

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1856. Do you recollect our claiming the right to challenge, and that being refused by Mr. Brewster, who appeared for the Crown?—Certainly.

1857. And that it was decided that he had no right to challenge a single juror, as we insisted he had, according to law?—Yes.

1858. Did Mr. Justice Perrin, who tried the man, differ from the rest of the Court of Queen's Bench, and say that the course which had been taken on the part of the Crown was illegal, and that the course which we had taken was legal?—Yes.

1859. Did the House of Lords uphold his judgment?—Yes.

1860. Do you happen to know that the Government refused afterwards, upon an application which was made by the present Attorney-general, who defended Gray, either to pay him, as had been previously customary, or to pay counsel who had so defended him?—I think they did refuse. All these payments are made through me, and I do not recollect having paid anything.

1861. Were Sam Gray and all his family ruined by these prosecutions?—Not exactly.

1862. Was he himself ruined?—I do not know. As I have been afterwards passing through Ballybay he seemed to me to be looking much the same as ever.

1863. You prosecuted his son, and transported him?—Yes.

1864. For perjury, arising out of these trials?—Yes.

1865. What became of the postmaster?—I believe he is there still.

1866. You conducted all those prosecutions in person, with unrelenting vigour, against the Orangemen?—Yes. Any prosecution which is given into my charge, I certainly go on with it as well as I can.

1867. Do you mean to state that your general acquaintance with the Ribbon system has been derived from conversations with jurymen, or from your having taken the evidence of informers and witnesses, and being present at the trial of cases?—From all these circumstances together; but more properly, it would be from my examination of approvers. Conversation with jurymen is a very uncertain mode of ascertaining anything.

1868. Mr. *Scully*.] Does the custom of tenant right exist in counties with which you are acquainted?—It did exist.

1869. Are you aware that it exists at the present moment?—They

—They cannot find anybody now rich enough to buy their tenant right from them.

1870. Is it your opinion that tenant right does not exist?—I am of opinion that it does so far exist, but that they do not find customers for their farms, and the effect of that is, that it is sought to make the landlord pay to the outgoing tenant what cannot be had in the public market. The Tenant League endeavour to enforce this payment from the landlord upon a claim for compensation for supposed improvements.

1871. Are you aware that it has been interfered with in any way by the proprietors?—Indeed I do not know that it has; on the contrary, it is rather a beneficial thing to a landlord, if it can be done, because he gets paid, generally, a large arrear of rent by the money which is paid.

1872. Have there been large reductions in rent in those counties of late years?—I believe so; but I did not inquire much into that subject.

1873. Are you acquainted with proceedings at quarter sessions?—Not at all.

1874. At assizes?—Yes.

1875. Have not many ejectments been brought at the assizes of late years?—I do not know.

1876. Are you aware, from your knowledge, and what you know of the country, that large clearances have taken place within the last few years in those counties?—I believe not to any extent: and besides, that would be done by civil bill at the sessions; it would seldom come to the assizes at all.

1877. Would you recommend an alteration in the law with respect to a change of venue generally throughout Ireland?—Certainly.

1878. You have stated that as the law at present stands, there can be a change of venue in certain cases?—Yes; by a strong affidavit, and application to the Court of Queen's Bench. If the court, in their discretion, think it right to send the case to another county, they grant a change of venue.

1879. Have any applications been made to the Court of Queen's Bench for a change of venue, to your knowledge?—Yes, and refused. In that very case, where Sam Gray was tried four times, the court refused the application.

1880. What were the grounds on which the application was rested in that case?—The Crown-court panel of the county being completely worn out; there had been a coroner's inquest, and four trials.

1881. Were there any grounds of intimidation of the jurors, or perjury of witnesses, or of intimidation of witnesses?

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—No; a great number of the jurors were Orangemen, and could not be depended upon to find a verdict against Gray.

1882. Are you of opinion that if an application were made to the Court of Queen's Bench, founded upon the ground of intimidation of witnesses or jurors, and that a fair jury could not be found in the county where the crime was committed, the Court of Queen's Bench would entertain the question?—I should think they would.

1883. Has any such application been made, to your knowledge?—No.

1884. If that is the case, would there be justification for a change in the law which would affect the entire country, as well as those disturbed districts in the north of Ireland?—I think any law of that sort had better be a general law; I think that partial administration of justice is a bad system.

1885. With respect to the jurors, do you think that it would increase the confidence of the people in the just administration of the law, if you were to take jurors from a higher or different class than the class to which the prisoner belonged?—I think the nearer you keep classes the better; but it would not do for a man to be tried by the sort of labourers who commit crime.

1886. Supposing that the man to be tried is a farmer, or the son of a farmer, do you mean to state that if he were tried by a class of jurors of a higher rank in the county than himself, it would give satisfaction to the people generally?—Indeed, I think it would. There is very seldom a case in which the people do not know perfectly well whether the man is guilty or not; they understand that very well indeed; and they are quite satisfied with the verdict if it is given according to the evidence.

1887. What number of persons in the lodges are prime movers?—I do not know.

1888. Are they very numerous?—I should say that in every parish there is a lodge.

1889. Of what class are they composed principally?—Generally speaking, of farmers and labourers.

1890. They exist in towns?—Yes.

1891. Of what class do they consist?—Of the same sort of people.

1892. Are there shopkeepers connected with them?—I cannot say that I am aware of any shopkeepers being connected with them; I have known dealers in small things and publicans connected with them.

1893. Have you not stated that the meetings are held not so much

much in licensed public-houses as in unlicensed houses?—No, I do not say that; but I say that very often they are held in unlicensed houses.

1894. Are unlicensed houses very general in that county?—There are a great number of shebeen houses.

1895. Do they exist at the present time?—Yes.

1896. Are they known to the police?—I do not know; I should say they were.

1897. Have the police the power of putting down those unlicensed houses?—Not unless an informer tells them that a person has been selling whiskey, and then of course the usual excise information can go against them.

1898. Then you would extend the law with respect to licensed houses over other parts of Ireland as well as the disturbed districts?—I rather think they might be put down by instructions given to the revenue police, who have not much to do in Ireland. They have a right to enter those houses; and if they find unlicensed whiskey to seize it, and have an information against the people.

1899. Might not any law which would affect unlicensed publicans in those districts be very injurious to publicans in other parts of Ireland, where there was no disturbance?—Not in the slightest. If a man does not transgress a law, I do not see what harm it does him.

1900. Are you aware that Ribbon societies exist in the north of Ireland?—I believe they exist throughout Ireland.

1901. Do you know of your own knowledge that they exist in the south of Ireland?—I do not, except from reading reports of trials; I find the same pass-words, and the same obligations.

1902. Do you remember any case having occurred in the county of Tipperary?—I do not recollect the cases; but I know there were cases prosecuted by the Crown solicitor on the Leinster circuit.

1903. Are you aware that disturbances did exist some years since in the county of Tipperary to a great extent?—Yes.

1904. You are aware, perhaps, that secret societies existed in that county?—Yes.

1905. Were those secret societies called Ribbon Societies?—I believe they went by all sorts of names; occasionally they were called Terry Alts, and at other times Whiteboys.

1906. Do you connect those societies with the Ribbon Societies which are now in existence in the north of Ireland?—Yes.

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1907. And the same pass-words?—Yes; the same system.

1908. Have any steps been taken by the Roman-catholic clergy, or the Roman-catholic bishops, in those counties to arrest those disturbances, or to put down those outrages?—I have seen occasional pastorals published in the newspapers by the Roman-catholic bishops, but they have been going on for a number of years; and I do not find that any beneficial change has taken place.

1909. Have you ever heard of the Roman-catholic clergy in the district taking steps to put an end to Ribbonism?—In that way, I have; I have heard that from their altars they have denounced secret societies; as I have said before, I do not find a beneficial change to have resulted.

1910. Have those Ribbon outrages ceased lately?—I think at present there is a great cessation of crime.

1911. Can you account for that cessation?—I cannot.

1912. Sir *W. Somerville.*] Are you acquainted with the different counties you have mentioned in any other way, except officially?—No.

1913. Then you do not know anything of the manner in which property is managed there?—No; I do not inquire into that.

1914. *Chairman.*] With regard to the stipendiary magistrates and the mode of taking informations; when the stipendiary magistrates take informations, are they sent to you at once for the purpose of considering them?—No.

1915. Do you think it is a desirable thing, that when informations are taken by the stipendiary magistrates they should be sent to you with all convenient speed, that you may have an opportunity of examining them?—I think that in a case which is likely to become a Crown prosecution at the assizes, the sooner I see the information the better.

1916. Might not cases arise in which you might be enabled to give useful and valuable suggestions with regard to following up any evidence?—That would be the object; for the moment I got the information I should suggest to the magistrate where I saw defects in the evidence.

1917. Have not the stipendiary magistrates, in many instances, rather been in the habit of reporting or sending a kind of communication to the Castle?—Yes; and I have very often been told, when I have gone to the assizes and found informations which I ought to have got both from the stipendiary magistrate and the police, "Oh! I reported all this to the Under Secretary, or to the Constabulary Office;" but I, to whom, as being Crown prosecutor, it was most important all the

the evidence adduceable should be known, had never heard it before, probably then too late. *M. Hamilton, Esq.*

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1918. Would you not think it a more useful system if a stipendiary magistrate would confine himself to taking informations accurately and properly, and returning them, so that you might have an opportunity of seeing them at an early day?—I think that ought to be done; I think that is very desirable.

1919. Lord *Naas.*] Do the local magistrates return the informations to you?—No; I am not the proper depositary for informations. They must go the clerk of the Crown or the clerk of the peace, as the case may be.

1920. Mr. *O'Flaherty.*] But the local magistrate always returns the information to the clerk of the Crown or to the clerk of the peace?—They ought to do so.

1921. Are you aware that they do not do so?—I am quite aware that in a great number of cases they are a long time in reaching me.

1922. Are you aware of the practice that the clerks of petty sessions invariably return informations to the clerk of the Crown or to the clerk of the peace, as the case may be?—They are bound by Act of Parliament to do so; but I do not know whether they do so or not.

1923. Is it not the practice that clerks of petty sessions are invariably instructed to return informations, either to the clerk of the Crown, or to the clerk of the peace, as the case may be?—I cannot say; the Act of Parliament speaks for itself.

Mr. *Hatchell* having taken the Chair,

Mr. *Attorney-General for Ireland* (a Member of the Committee); was Examined.

1924. Mr. *Solicitor-General for Ireland.*] DO you wish to make a statement in reference to the evidence which has been given, in answer to the questions which have been put by the honourable Member for Athlone?—Yes; as allusion has been made to my being counsel for Sam Gray, in carrying the appeal to the House of Lords, I wish to state the whole of the circumstances under which I was connected with that case. I was originally retained in that case as counsel upon an ejectment on the title tried in Armagh, along with Mr. Tombe, Mr. Holmes, and Mr. Whiteside, in the regular way on the civil side, for Sam Gray; and out of that the transaction occurred which was the subject matter of the criminal prosecution afterwards. On the first trial of Sam Gray for the murder of Murphy, I was regularly

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larly employed as his counsel, with Mr. Tombe and Mr. Whiteside, in the ordinary and usual way, and was regularly feed and paid. On that trial he was acquitted; and I have no hesitation in saying, that upon the evidence I think the verdict was right; and we all thought upon the evidence as it stood, the verdict was right. There was a witness of the name of Farlow examined; he had all the appearance of being a very respectable man, and it was impossible, whatever doubts were entertained, to reconcile Gray's guilt with Farlow's testimony; at least, we all felt at the time that it was so; and that was the opinion, I believe, of the Judge who tried the case. Of course there was all manner of doubt, but we all thought the jury could not have come to any other conclusion *upon the evidence.* After the trial the Crown discovered something with regard to Farlow's character, which made them doubt whether he was the credible witness we had all given him credit for; then there was a second trial, not for the murder, because having been acquitted of that, he could not be again tried; but there was a shot fired at another of the party, which missed, and he was indicted for shooting with intent to murder. I was also regularly feed on that trial with Mr. Whiteside and Mr. Tombe; the present Judge Jackson attended on that trial to prosecute; one of the jury was taken ill during the trial, and the jury had to be discharged. On the third trial coming on, Gray made an application to the court; and it was stated the expense of these proceedings had ruined him, and he begged that counsel and attorney might be assigned by the court to defend him. That is usual, when a party is unable to pay; and the ordinary and usual course has been, for the Crown to pay the reasonable expenses of the defence. The Judge, (and I think it was Judge Crampton who tried him on that occasion) assigned myself and Mr. Whiteside as his counsel; and a counsel has no right to refuse, when he is assigned by the Judge. If a barrister is assigned to defend a prisoner, he is bound, by his position, to do it. Accordingly, on that occasion, we appeared to defend Gray; and on that occasion the jury disagreed. Then the Crown removed the case from the criminal side of the court and took it to the *nisi prius* side; it came down a fourth time for trial; and on that occasion we were again assigned by Mr. Justice Perrin to defend Gray. I raised the question, which had been a very moot question in Ireland, of the right of peremptory challenge by a prisoner in a case of felony not capital; for he was not tried on that occasion for a capital felony, but a transportable felony. That question was raised,

and

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and was put on the record; it came up to Dublin, and it was argued before the Court of Queen's Bench by myself and Mr. Whiteside. Of course we made no question about fees, for we assumed that the Crown would pay us the ordinary and proper fees for doing our duty. The Judges differed in opinion, Mr. Justice Perrin differing from the rest of the court, and we considered that his law was right, and the House of Lords thought so. The Crown then refused to pay any fees, and for performing our duty we were not allowed one farthing of fees; and they were ultimately refused by the Crown. My position was this, that there being an important point of law, involving the right to challenge, which would arise upon every trial in a case of transportable felony, having the opinion of one learned Judge with me, and being counsel for the man, and the fees being refused by the Crown, I thought it was an attempt to oppress him; and I certainly did say, that if the case went further, I would not seek for any compensation or remuneration for arguing the case. Accordingly the officers, both in Ireland and England, remitted their fees under the circumstances, on bringing the appeal; I came over here; I never got one farthing; I did not pay any money out of my own pocket, except travelling expenses, in coming over; but it so happened that, at the same time I was coming over in the case of Mr. O'Connell, who had also a point before the House of Lords; and both the cases were argued in the same week. I argued the case before the House of Lords, but I was never paid one farthing in any way. I did my duty as counsel, having been assigned, and got nothing for it. The House of Lords decided that on the point of law the counsel for Gray were right, and awarded a *venire de novo*, which would have enabled the Crown, if they had thought proper, to proceed again; but they thought they had gone far enough, and dropped the proceeding. As I have said so much, perhaps the Committee will allow me to add, that I had also been counsel for several distinguished Ribbonmen; I was counsel for Houston; I argued his case, and I got him off on a point of law; he paid me well, and like a gentleman. I argued Brady's case; and I argued Jones's case; and I may say (being myself neither an Orangeman nor a Ribbonman), that I do not know that there was any peculiar sympathy for me, except the professional confidence which they had in selecting me as counsel to argue their cases. I did my duty, and I conceive that I simply did my duty in point of honour, and to the best of my ability as counsel, as I would do for any man in the community; and I neither advanced money nor compromised my character or my honour.

Veneris, 30° *die Aprilis*, 1852.

MEMBERS PRESENT.

Sir James Tennent.	Mr. Bright.
Sir William Somerville.	Mr. O'Flaherty.
Mr. Baines.	Mr. Scully.
Mr. Henry Drummond.	Mr. Goold.
Mr. Leslie.	Mr. Solicitor-General for Ireland.
Mr. Fortescue.	
Mr. Caulfield.	Lord Naas.
Mr. Hatchell.	Mr. Keogh.

THE ATTORNEY-GENERAL for IRELAND IN THE CHAIR.

H. J. Brownrigg, Esq., called in; and further Examined.

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1925. Mr. *Solicitor-General for Ireland.*] HAVE you looked through your papers, according to the request of the Committee, and selected the Ribbon documents?—Yes.

1926. Will you hand in the notice which you stated was served on Mr. Chambre, before he was fired at?—Yes.

[*The Witness delivered in the following document, which was read:*]

"Co. Armagh.

Look to this.

Jonesboro', Dec^r. 12, 1851. To all this concerns, and Beware of Gen^l. Avenger. I am not Fools. I am giving you timely warning, all Tyrants and oppressors of the Poor. Its like the Thief of the Gallows; its over you particular landlords, particularly in the seed time, if they don't give their tenants Seed Oats to put in their land, and lower their rents, it will be measured with their corpse. And their is Mr. Chambrie, a Beggarman, he had better keep close, for, if he does not, he may have his coffin ready; but we will bury him when he will neither have coffin or shroud around him, for its too Good for an oppressor of the Poor, as an idle-hearted rascal; besides, who prides in the downfall of his country men; we need not wonder (he is no Irishman), and there is poor Bumper Squire Jones, he would not be bad, was it not for his bad rascal of an agent, Johny Hill, the House Racker; but between Hill and Hell there is but one letter; if Hill was in Hell Jonesboro' would be much better. Mr. Fortescue is a good man, but there is room for improvement; and Crawford, the

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the desperate Rascal, he had better watch and pray, for if all police in Ireland were watching him, he will go the road, for Hell is yawning for him long since. We will send him to Fiddler's Green. It is long since he should have got it; there is an Establishment in Jonesboro' that will soon be set flames to. It will take Whipper in M'Donald to never sleep, and to hell with all the Police of Ireland. We will send all who wears the cloth to Blazes. Hell is open for Crawford.

I am, General Vengeance."

1927. Who is "Bumper Squire Jones"?—A magistrate of the county.

1928. Who is "Crawford"?—A sub-inspector. I also produce a threatening notice served on Mr. Coulter, who was murdered.

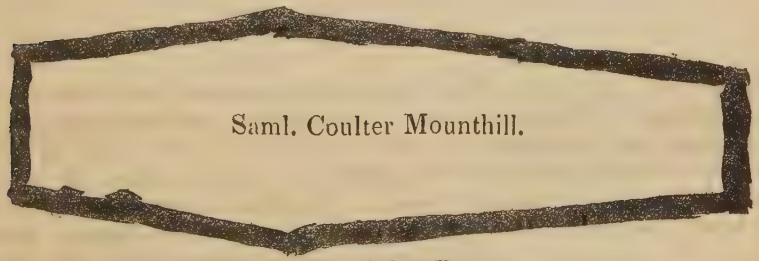
1929. Also in the county of Louth?—In the county of Armagh.

1930. Near Crossmaglen?—Yes.

[*The Witness delivered in the following document, which was read:*]

Take notice, that the man who shot at those men vos not the fool to lave himself in any one's power to convict him, so do not be mistaken, i will not give up the job, i will put in a Better charge the next time, i did not wish to cill them that time, But let them remember if the do not give up the lands the have taken above and below it will be as it was with Jack McGuine's, he got a good advice, but he did not take it this is no Scholby's Play, their names went true the country.

Thomas McAide Roach,



James Quigley Roach,

do not let them Be blaming each other, McAidle is woss than any of them, the two Countys is up agin them, let no man take a poor man's land.

Posted on the door of one James Donelly, over the proclamation offering a reward of 80*l.*, in the case of the murderous attack on Mr. Saml. Coulter in Feb. 1849, (rather more than two years before Mr. C.'s murder).

1931. Have you any other notice?—A threatening notice which

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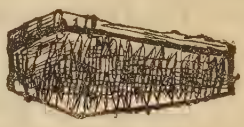
which was served on Mr. Maxwell, an agent in the county of Armagh.

1932. Whose agent is he?—I forget at this moment.

[*The Witness delivered in the following document, which was read*:]



Sir,—Receive an advice from a well-wisher, and also a tenant on that once thriving and industrious estate, But alas its Wealth and prosperity are no more, it is now brought to biggary. Like all others the question is, how Is all this brought upon it, the reply is by an oppressive agent and his unworthy master, A man unworthy of the position of life which he has obtained. While other landlords have given their tenants a Reduction of their rents, he Refuses to give them any acknowledgment Whatever, and is Backed up to it By you his agent; For when any person asks any request of him he sends them to you, and says he has left the whole management to you, and you then, the working tool, sets to work all manner of cruelty upon your vassal tenantry, pulling Down their cabins, tearing them from their farms, and Driving through the world, either Death in the Workhouse, or their chance of death in the emigrant ship, swearing by the holy Book of Moses that you will be a terror to them all. Can such talk prosper; it has done so for a while, But ere long there will be and to such cruelty; the whole cry amongst the tenants is away such men; the all rejoice in the Death of the oppressor; you are in a very perilous situation at present; your life is in Danger; there are men now a days Who come Down from Carrickmacross, and that upper country, who hire to shoot Landlords and Agents; and there was a man Come Down through this estate, he being sent here by the tenants of the portnorris estate, and he made Agreement with the Writers of this advice to shoot you and your master for 50*l.*, the first opportunity; you are in Danger every Day you pass out of never Comen home With your Life, and We thought it our Bounden Duty to give you some warning that you might either make some arrangement that might satisfy your enraged vassals, or prepare a sheet and coffin, and some means of conveying your body Back to Derry, for if you Were Dead, the would not let your remains rist in this Country, the Would exhume your body, and Burn it as Warning to all tenants who shall from henceforth Come for your Country. And We also Warn you that the Blood Money is now half Collected, and Lying in our houses to Deliver over the contractor for shooting you, and if you were shot in the midst of Daylight you need not have Any hope of the perpetrator ever Comeing to Justice, if thousands saw him committing the Deed, for instance see how Malavery Was Killed amongst the eyees of the Whole Country, and not one ever enterferd. No not even the Jury When it came to a trial the would not suffer one hair of his head to fall, they said that that Agent Was taking the Lives of thousands By a long and lingring Death, take warning in time Lest you Wish you had Done so when to Late.

"To Mr. Stewart Maxwell, Armagh."

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1933. Have you any other document to produce?—I hold in my hand threatening notices which were posted, with reference to the parties who are named therein.

1934. Posted where?—In the county of Armagh,

[*The Witness delivered in the following document, which was read:*]

"County of Armagh, District of Newtown Hamilton.

Newtown Hamilton, 24 March 1852.

I have to report that on the morning of the 23d instant two anonymous threatening notices, true copy of which I give on the other side, was found, one posted on a gate post, and the other lying in the street, near to the residence of James Quinn, who resides at Ballynewry, parish of Mullabrack, barony of Lower Fews.

The cause assigned for the notices being left with Quinn, is owing to his having become tenant for a farm of Loud, from which a man named George Gibson had been evicted from in the month of July last.

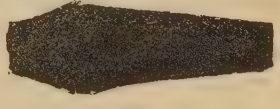
P.S.—Grear is Quinn's landlord.

T. A.
S. I.

(signed) *Thomas Armstrong,*
Sub-Inspector of Constabulary.

Jamas Quinn. Ballynewry, 1852.

We are informed that you have taken a part of George Gibson's farm of land, and Sir, take notice that if you enter on that land which you have no say on, nor any other in Ballynewry, it will be better for both you and them that you never saw it; and James Quinn take further notice that when we come we are like death, we will take no denyel, so have your sheet and coffin prepared, you dont know the day nor the hour that the will be used,—Greer will be of no use to you.



[*The Witness also delivered in the following document:*]

The following are the pass words for March 1852.

Derby, Russell, and Palmerston are joined.

Coercion will take place, we will fight for liberty or die in the field.

Committee Words.

Peace and plenty we expect, Yes, if not hindered by English law.

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Quarrelling Words.

Do not be dangerous, I am not afraid.

There are no night words for this month of March with the Ribbonmen."

1935. Mr. *H. Drummond.*] It is stated that one of the notices was written up immediately under a notification of a reward being offered; have you known offers of reward produce much effect?—We very seldom have found that they have.

1936. Do you think that any offer of reward can be of use, unless it is of sufficient magnitude to take the person giving the information wholly out of the country?—I have known a reward of 6,000 *l.*, and 100 *l.* a year to have been offered in the case of Lord Norbury, and we never had any information to lead to the detection of the guilty parties.

1937. You are understood to state, that even a large reward would not tempt them?—Yes.

1938. Do you mean it to be inferred, that of course a small reward would not be any temptation?—Certainly; we seldom or ever find they produce any result.

1939. Mr. *Solicitor-General for Ireland.*] Is it not necessary in Ribbon trials, where no reward is given, to protect the witnesses after they have given evidence, either by sending them out of the country, or in some other way?—Most unquestionably, every informer. And as regards witnesses, who are not informers, it is necessary that the Government should provide for them just as if they were informers; it would not be safe for them to remain in the country, in nine cases out of ten.

1940. In cases of this description?—Wherever they are examined in any serious case, it is not safe to keep them in the country; and it is most desirable that the Government should, in all those cases, provide for them.

1941. Mr. *Hatchell.*] And also between the time of the swearing of the information, and the arrest of the party, the witnesses are obliged to be placed under the protection of the police, to prevent their being tampered with?—In the great majority of cases, it is quite essential.

1942. Mr. *Solicitor-General for Ireland.*] Especially in Ribbon cases?—I would not confine it to any particular class of cases; in all serious cases, I should say it is absolutely necessary to protect and provide for the safety of the witnesses, both before trial and after trial.

1943. Mr.

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1943. Mr. *Attorney-General for Ireland.*] The question was, whether in Ribbon cases, where there is a great extent of intimidation all over the country, protection is more necessary?—Protection is just as much needed in other cases; in Ribbon cases, they have the same protection as they would have in other cases, and all cases they require to be alike protected.

1944. Where there is any sympathy with the crime, there would be more peril to the witnesses?—Certainly.

1945. Mr. *Goold.*] Do not you think it is rather an evil, offering these large rewards only for a very short period; and that the rewards should only be given within six months, or within five months?—I think it is better that they should be for a short period, to induce parties to come forward (if they can be induced to do so) as soon as possible. It is always optional with the Government to renew the reward. If it be spread over a large space of time, I fear it would defeat the object. Six months is probably the most desirable period. I would not extend it at first over too much time.

1946. During a period of six months, have you ever gained much information from offering these rewards?— In some cases we have; but, as I said before, in the large majority of cases we have not.

1947. Mr. *O'Flaherty.*] Have you from your experience ascertained that much incorrect information has been given in consequence of your offering rewards?—In some cases it has been so; particularly in the case I have mentioned of Lord Norbury.

1948. Without alluding to particular cases, have you not in the course of your experience found that that is so?—It has been so occasionally, but I do not think to any great extent.

1949. Mr. *Leslie.*] Have you ever known a case altogether fabricated, parties being charged with burning a house, or committing a crime for the sake of getting a reward?—Yes, there have been such cases. I do not mean that the burning a house was one, but there have been instances in which parties have been transported for getting up cases. I think there were three persons transported in Lord Norbury's case for gross perjury.

1950. Lord *Naas.*] Do not you think similar cases are inseparable from the administration of justice in every country?—I should think so.

1951. Mr. *Solicitor-General for Ireland.*] Do not the difficulty of obtaining evidence, and the necessity afterwards of protecting witnesses, make it the more imperative that the officers of justice

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justice should be very prompt in their examination of the ground on which a murder has been committed, and the persons, the neighbourhood, and the locality, and every other circumstance of the kind which may be connected with the case?—I think that in all cases of homicide, or other serious outrages, it is most desirable that the magistrate should visit the scene of outrage and minutely inspect the ground, and examine any person on the spot capable of giving evidence as soon as possible. I fear that in many cases justice has been defeated by this not having been done.

1952. That a proper map should be prepared?—Yes, I do not think any magistrate can really understand a case, unless he visit the spot and examine the ground.

1953. You apply that observation particularly to the resident or stipendiary magistrate?—Unquestionably.

1954. Mr. *O'Flaherty.*] Have you had any experience of the operation of the coroners' courts in Ireland?—I have had some experience.

1955. Are they efficient in your opinion?—I do not think they are.

1956. You think they frustrate the ends of justice in many instances?—Most decidedly.

1957. Mr. *Leslie.*] In what way?—By indiscreet examination of witnesses.

1958. Mr. *Solicitor-General for Ireland.*] What are the objections which strike you to the mode in which the coroner conducts his inquiries in the cases to which you refer?—I think very often there is an indiscreet examination of witnesses, and as I mentioned in a former part of my evidence, I think that the duty of the coroners' courts should be confined simply to the cause of death, and no more.

1959. When you used the words "indiscreet examination of witnesses," did you also mean the irrelevant and illegal way in which evidence is taken?—Unquestionably; it is most injurious.

1960. And there is no power to control either the coroner or the jury?—No.

1961. Mr. *Hatchell.*] Does it constantly arise in criminal prosecutions, where there have been coroners' inquests, that a person who really knows something with respect to the crime which has been committed, and who would be able to give material evidence, comes forward, and his testimony is impeached, because he has not appeared at the inquest to give evidence, he having appeared, and perhaps stated that he knew

knew nothing about it, when in fact he did know?—Yes, very frequently.

1962. His evidence as to the real facts, the truth of which he knows, is of course impeached, because having been previously examined he swore he knew nothing about them?—Yes.

1963. From an apprehension of appearing as a witness?—Yes.

1964. Mr. *Solicitor-General for Ireland.*] Is his testimony impeached on the ground that he has not disclosed certain things about which he had not been specifically interrogated?—Yes.

1965. Does not a great deal depend on the mode in which the resident magistrate takes the information and gets up the case?—Most decidedly; I think the whole of the case depends mainly upon his management of it.

1966. And on the capacity and tact and judgment of the stipendiary magistrate?—Yes.

1967. Mr. *O'Flaherty.*] From your acquaintance with the execution of the law in Ireland, are you not aware that local magistrates give very useful assistance in investigating those cases?—Certainly.

1968. Mr. *Leslie.*] From what rank are clerks at petty sessions generally selected?—From all classes, but the Act of last session is restrictive in some measure; persons holding certain offices are prohibited from being clerks of petty sessions. I do not mean to say that by excluding such persons the inefficient clerks of petty sessions have been excluded; I think that great reformation is still required with regard to clerks of petty sessions.

1969. Do you know what is the analogous office in England?—I believe there are clerks of petty sessions in England.

1970. Have they received a legal education?—They are generally attornies, I believe, in England.

1971. Lord *Naas.*] Do you know the amount of salary which is received by the clerks of petty sessions?—The salary depends very much on the amount of fees, but it would be more desirable a great deal that they should be placed on fixed salaries; because I think that being paid by fees they promote litigation.

1972. Are you not aware that the salaries in general range from about 30*l.* to 60*l.* a year?—They range, I think, even lower than 30*l.*; in some cases as low as 10*l.* In large towns, such as Limerick, Belfast, Waterford, and Cork, the fees range up to as high as 300*l.* a-year.

1973. However,

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1973. However, the general average of salary is between 30*l.* and 60*l.* a year?—I should think it is about that upon an average.

1974. Do not you think it would be difficult to get first-rate men for such a low salary?—You would not get first-rate men, if you confined them to one petty sessions. I think if they had two or three petty sessions, which they might very easily manage in a number of cases, it would make it worth their while; but then I would not altogether limit them to a salary, because there are certain classes of fees which I would still allow them.

1975. Do not you think there would be great difficulties attending any proposal to make one clerk of petty sessions attend three or four different courts in a week?—I would not say in a week. In some places, the petty sessions are not held more than once a month, or once in three weeks, or once in a fortnight. It was proposed last year, by the Bill that was first submitted to The House, that the petty sessions should be grouped and the clerks paid by salaries.

1976. Mr. *Solicitor-General for Ireland.*] Does not a great deal of the tranquillity of districts depend on the way in which justice at petty sessions is administered?—Of course; it is a very important matter.

1977. And it should be administered carefully?—Certainly.

1978. With good temper and impartiality?—Certainly.

1979. Have you attended many petty sessions?—Not of late years; I did for six years, when I was stationed in the country.

1980. Petty session courts are now spread all over Ireland?—They have been for many years.

1981. Do the magistrates attend there and administer justice very much to the satisfaction of the people?—Certainly; we have no complaints whatever of petty sessions' courts.

1982. Have you attended the criminal jurisdiction of the quarter sessions' courts?—Yes, but not of late years.

1983. Did it occur to you, that it was a bad habit to send some cases of a serious kind to quarter sessions, and that it would have been better if they had been reserved for the assizes?—I think it was the general practice to send the more serious cases to the assizes, and not to the quarter sessions.

1984. Are not cases sometimes tried at the quarter sessions which ought to have been sent to the assizes, and are not cases sometimes tried at the assizes which ought to have been tried at the quarter sessions?—Occasionally it is so; but

but I do not think to any great extent. I have heard judges sometimes state that a case which had been brought to the assizes ought to have been tried at the quarter sessions; but I do not think it happens to any great extent.

1985. If a serious case is tried at the sessions, there is no counsel to defend the prisoner?—No.

1986. Mr. *O'Flaherty.*] You are aware that the object of trying at quarter sessions is to discharge the gaol; and the prisoner, if he is really innocent?—Certainly; that was the object of the magistrates.

1987. You are aware that all important felonies are invariably sent to the assizes?—I think so. I have heard judges complain of trivial cases being sent to the assizes, but I never heard them complain of important cases being sent.

1988. Mr. *Solicitor-General for Ireland.*] Would it not be well to have a fixed rule defining cases to be tried at quarter sessions?—It would be a good arrangement.

1989. Mr. *Scully.*] Would it not be a great improvement if many of those trivial cases should be sent to the quarter sessions and not to the assizes?—I think all trivial cases should be sent to the quarter sessions.

1990. Sir *W. Somerville.*] You stated that, in your opinion, there were combinations existing in these disturbed districts with reference to the occupation of land?—Yes.

1991. Has anything happened, to your knowledge, in those districts which would cause the persons engaged in such combinations to think that by continuing they would be successful in bringing about a reduction of rent?—Rent, in certain cases, has been reduced immediately after outrages.

1992. Can you state any instance where that has occurred?—In the case of Mr. Kenny, the magistrate, who was fired at in the county of Monaghan, it was reported that immediately afterwards his rents were reduced.

1993. Mr. Kenny was fired at?—Yes, and wounded; and immediately afterwards he reduced his rents. After Mr. Bateson was fired at, as I understand, Lord Blaney's rents were reduced.

1994. Are you aware of any other instances?—I believe there are other instances, but it is impossible to trace them so directly to what appears to have been intimidation. It is, I believe, a matter of fact that, since 1850, since the murder of Mr. Coulter, rents have been reduced in a great many instances.

1995. As far as you know, in two instances the rents were reduced subsequently to the commission of the outrages to

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which you have alluded?—Certainly; and I am decidedly of opinion, that if the landlords had in the first instance enforced their rights (and they would have had all the protection that the Government could have given them to have enabled them to do so), and then, having enforced their rights, made reductions (if they thought it desirable to do so), it would have had a very salutary effect, and we should not have had so many agrarian outrages consequent upon these murders. It appears to me, that reducing rents immediately after an outrage, was a kind of bounty upon outrage.

1996. An encouragement to the commission of outrage?—Certainly. I will mention a case, where the result was certainly very effective. Shortly after Mr. Roe was murdered in the county of Tipperary, I was sent there by Lord Clarendon; and the administrators of Mr. Roe having undertaken to enforce their rights, Lord Clarendon gave them every protection. I had a strong party of constabulary and military there to preserve the peace; and although the tenants suspected what was about to be done, yet as some delay took place before letters of administration could be taken out, they thought all proceedings were abandoned. However, one morning the bailiffs, who were posted on different parts of the land, made a clean sweep of stock from off the farms of the tenants who owed rent; the consequence was, that immediately afterwards, and before the time had expired when the sale could take place, although several of them came to me complaining they really had no money whatever to pay their rents, every farthing of rent which was due was paid, and all the cattle were redeemed; and from that time to the present, I do not think there has been a single agrarian outrage of any moment in that locality.

1997. Are you aware of the instructions which were given by Lord Clarendon to the stipendiary magistrates in the districts which are at present much disturbed, with reference to any assistance which should be given to those who were seeking to enforce the rights of property in a proper manner?—I have official reasons for knowing that instructions were given to them to inform all those who required aid, that they would get it to any extent that was needful.

1998. Do you think that was generally known in those districts?—I apprehend that the stipendiary magistrates made it known.

1999. Was it taken advantage of at all?—Not that I am aware of.

2000. Was

2000. Was it not taken advantage of in one instance?—I am not cognizant of it.

2001. Mr. *Scully.*] In the case of Mr. Roe, are you aware of the number of evictions which were made by him previously to his murder?—No.

2002. Are you aware that there were any evictions?—I heard that there were. I heard, in fact, that the man Lornegan, who shot him, and was afterwards hung, had been evicted.

2003. Have any evictions taken place on Mr. Roe's property since his murder?—I cannot inform you at this moment, but I have the means of ascertaining.

2004. Are you aware that the rents have been reduced very considerably on that property since Mr. Roe's murder?—I have no knowledge of that.

2005. You have alluded to Mr. Kenny; what religion was Mr. Kenny?—I believe he was a Roman-catholic, but I am not certain.

2006. Do you agree, that in secret societies these combinations are against persons of different religious persuasions, or that they are against one religious persuasion as much as against another?—I do not think there is the least distinction in agrarian outrages.

2007. Do you assimilate the two cases of secret societies and outrage in the north of Ireland, and cases like Mr. Roe's in the south of Ireland?—They are similar in their objects, but they are not carried out exactly in the same way; the result is the same, leading to murder.

2008. You stated, in your former evidence, that as far as you are acquainted, the Ribbon system did not prevail in the counties of Limerick and Tipperary?—Certainly.

2009. And that the secret societies which existed in Tipperary were not exactly what you called Ribbon Societies?—I did not call them secret societies that I recollect.

2010. Are you aware that any societies existed in those counties?—Not secret societies.

2011. At any time?—No.

2012. Not at the time when the country was so much disturbed?—No. I do not call the combinations that existed secret societies in the same sense that I call Ribbon lodges secret societies. In Tipperary and in Limerick, I think the conspiracies were got up by the tenants, or parties, immediately concerned on the property.

2013. Are the parties in different baronies connected with each other who are employed to murder people and send threatening notices?—No; I do not think there is the same system of

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combination through the south that there is in the north of Ireland. In the south; and indeed in the north, I believe, at present, but in the south certainly, a certain number of persons of well known character, as assassins, were always easily procured for a small sum, and they were generally the persons employed.

2014. Mr. *Solicitor-General for Ireland.*] By more respectable people?—By farmers who had been evicted.

2015. Mr. *Leslie.*] Can you state, from your own knowledge, that Lord Blaney's rents were reduced in consequence of intimidation?—I cannot speak from my own knowledge; but from all I have heard I believe it to be the fact that they have been reduced since Mr. Bateson's murder, and I understood at the time that a refusal had been given to reduce the rents before that murder.

2016. By the same agent?—I think Mr. Bates was in possession at the time.

2017. An Englishman?—Yes; it was he who refused to reduce the rents, I believe; I understood so.

2018. May it not have been merely that, because of the time at which the reduction took place, you may have drawn the inference that the rents were reduced from intimidation?—Of course, I cannot know anything of my own knowledge; but I understood that immediately after Mr. Bateson's murder the rents were reduced, and that a reduction had been refused immediately before.

2019. Mr. *Hatchell.*] Did you hear what was the percentage?—Twenty-five per cent.; there are at present three kinds of agrarian offences in Ireland, one resulting from the present agitation.

2020. Mr. *Solicitor-General for Ireland.*] Do you mean the Tenant League agitation?—Yes; another from evictions, and the third alleged high rents.

2021. Do those three lead to the same result?—Yes.

2022. It appears from your evidence, that a Roman-catholic gentleman, if he violates the Ribbon code, is as likely to be shot as a Protestant gentleman?—Most decidedly.

2023. It is a general conspiracy against property?—Yes, in the south as well as in the north.

2024. Was not the father-in-law of Mr. Roe (Mr. Clarke) first murdered?—He was.

2025. Did not that gentleman expend a great deal of money in buildings and improvements on his estate?—So I have understood.

2026. Was not Mr. Clarke shot in the broad daylight, while

while talking to his masons, who were engaged in building a house and a wall round his domain?—He was.

2027. And at that time he was expending a considerable sum of money on his estate?—Yes.

2028. Mr. Roe, of whom you have spoken, was the son-in-law of Mr. Clarke?—Yes.

2029. He was murdered on the ground of oppression in rents, and the inability of the tenants from poverty to pay them?—Principally, I think, for having evicted Lornegan; but the result was, that when they were distrained, the very tenants who said they had no money, paid their rents.

2030. Therefore the crimes of murder and falsehood existed in that case; for they first murdered him and then they said they had no money to pay the rents; the bailiffs seized the cattle, and they paid the rents?—Yes.

2031. On that occasion you had a large force of military and police?—Yes.

2032. Do you believe that without that force it would not have been possible to have obtained that result, although the facts had been what you have before stated. Do you believe a gentleman might have gone down alone?—No, it would not have been safe.

2033. Did it require such a force of military and police as you have described to obtain the rents which the tenants were able to pay?—It was desirable to have it.

2034. With respect to M'Intaggart's case, which was tried in Dundalk, do you state to the Committee that there was anything like oppression in the shape of rent in that case; or do you know that the land had remained idle for a year, and was then set to an old tenant on the estate as an addition to his farm?—I cannot say.

2035. Mr. *Bright*.] Referring to those cases which you have spoken of, where concessions have been made and rents reduced, after these outrages have been committed, is it your opinion that there is an impression on the minds of the people that their system of legislation and punishment is very successful in maintaining what they conceive to be their rights?—Unquestionably I think so.

2036. Have you had experience in any other counties than Tipperary, where outrages have been committed?—I have, but I have been speaking of outrages in Armagh and Louth.

2037. And more to the south?—There have been several outrages in the south.

2038. Have you been at all acquainted with the circumstances from being in the locality at the time, or from being

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sent into it afterwards?—No; I cannot speak so clearly about cases in the south as of cases in the north, because I have been more recently in the north, and have made it my business to inquire into them. In the south, if my attention had been directed to it, I could have informed myself better respecting cases which have occurred there.

2039. Can you state that, so far as your experience extends, some impression prevails in other parts of Ireland, that the tenants do secure advantages and a better position for themselves, in their contests with their landlords, by means of these outrages?—The object of these murders is, to endeavour to obtain greater advantages, or to avoid paying rent; and I think they consider that they are successful, otherwise they would not commit them.

2040. You have probably seen returns from the constabulary at various times, showing the outrages committed in all the counties of Ireland?—Yes.

2041. There is one in the Appendix to the Devon Commission Report, which shows that there is not a single county of Ireland in which agrarian outrage has not been committed within a few years; are you aware of that fact?—I should suppose that within a few years there is not a county in Ireland, in which there has not been an agrarian outrage. Of course the number is very different in different counties.

2042. You stated, in a former part of your examination, that these outrages spring up in localities, and then cease again, and spring up somewhere else?—Yes.

2043. You have stated to-day, that the point at issue is not a question of religion, but a question of land?—Decidedly; in agrarian offences no distinction is made between any class of persons whatever.

2044. Although you appear to think that the Ribbon system is not extended and organised all over the country, yet would you conclude that land is the main object of these outrages, wherever they may have happened, in all the counties of Ireland?—Certainly.

2045. If that feeling with regard to the possession of land prevails all over the country, is it your opinion that generally any great advantage would arise from the trial of offenders out of the county in which the offence has taken place?—You mean by a change of the venue?

2046. If all over Ireland, without an exception (varying of course in intensity) there is this feeling on behalf of the tenant class against the landlord class, do you think very much benefit would arise from changing the venue?—At one time I thought

thought that a change of venue would be a very desirable thing; but on more mature consideration, I very much doubt that any good result would follow. If you have a change of venue, you might also be obliged to give to the prisoner the option of being tried in his own county or elsewhere, otherwise you give an advantage to the Crown which you would not give to the prisoner.

2047. Mr. *Hatchell.*] You mean, that if a prisoner thought he would get a fairer trial in an adjoining county than in his own, he might change it?—Yes.

2048. Mr. *Bright.*] You would not for a moment suppose it to be fair to allow the Crown to remove a trial into another county, and to shut out the same privilege, if it be a privilege, from the prisoner?—That is what I have said.

2049. Has it ever appeared to you, that if you had a case from the county of Monaghan, where outrages have been somewhat frequent, and you were to remove that case into Tipperary for trial, and in Tipperary there was the excitement which is attendant upon a trial for murder, with witnesses brought from Monaghan, with a publication of it made very wide all over the county of Tipperary, you would be likely to spread the evil existing in Monaghan into the county of Tipperary, and probably to bring outrages into a county which theretofore, or at the time, was probably peaceful?—I cannot see how that result would well follow; but I apprehend that the venue would not be changed exactly to Tipperary; I think it would be to a county more free from agrarian outrage than Tipperary.

2050. Mr. *Scully.*] Is not Tipperary as quiet now as any other part of Ireland?—Yes.

2051. Have you not already stated in your evidence, that crime has rapidly decreased in Tipperary?—Yes, agrarian offences.

2052. And it does not now, on an average, exceed any other portion of Ireland?—I think it is rather less than in some counties.

2053. Would not you think, on that account, that disturbances not taking place a conviction might be obtained in Tipperary?—I would rather select a county more free from agrarian outrages.

2054. Is it or not true, that convictions have been obtained in Tipperary, even in the most disturbed times, and that there has been no charge made of the jurors not doing their duty?—I believe there is no county in Ireland where the jurors have done their duty better than in Tipperary.

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2055. Therefore you would not say that a conviction might not be obtained in Tipperary?—I do not say that a conviction would not be obtained in Tipperary; but I mean to say that it would be better to remove a case to a county where there are scarcely any agrarian outrages.

2056. Mr. *Bright.*] Take the county of Cork; is it not rather a peaceful county?—Yes; but we have had several agrarian outrages in Cork.

2057. What county would you recommend?—Carlow is a very quiet county, and except in one instance is, I believe, free from this description of outrage.

2058. Mr. *Goold.*] What do you say to Limerick?—I should not like to select Limerick, for the same reason I have given with respect to Tipperary.

2059. Mr. *Bright.*] In your opinion would there be a risk, in taking a trial from a disturbed county into a peaceful county, of exciting the population of that peaceful county to a greater knowledge of these agrarian outrages, and the system under which they are carried on, and of their successful result in contests with the landlords; and is it not just possible that you might do mischief to a peaceful county by taking these cases into it?—The thing is just possible, no doubt.

2060. You have spoken with respect to farmers being connected with the system which hires these assassins. Among respectable farmers, is there not much the same feeling as spreads among the lower ranks, that rents are much too high, and that the terms on which they hold the land are unfavourable to them, and in fact a feeling of hostility to the proprietors of the soil?—Yes; but I think the distinction which I mentioned before with regard to these offences is, that they are confined in a great measure to different parts of Ireland. The agrarian outrages which arise in the south of Ireland are not so much from high rents as from parties imagining they have a claim to ground from which others have been evicted, and as a consequence they attack those who have taken the ground. I think the offences in the south of Ireland are mostly of that character.

2061. More connected with tenure than the actual amount of rent?—I think so.

2062. Leaving altogether the question of jury lists and venue aside, and not considering the question of remedy as regards punishment, and looking at the general social condition of the agricultural population of Ireland, have you anything to suggest to the Committee which might be of use?—You mean as regards agrarian offences?

2063. To bring about that general harmonious feeling, which exists in this country?—I of am opinion, that if the relation between landlord and tenant were placed on a footing which would preserve and secure the rights of the one, and meet the equitable demands of the other, it would effect a great deal.

2064. You have generally a proprietary, holding land very extensively?—Yes, the estates are very large in some districts.

2065. And the estates are held in by far the larger proportion by persons who are looked upon by the people as hardly native to the country, not agreeing with them in religion, and having been for generations past considered by them as an alien and superior class?—I do not know that; I think that the lower order of people in general have a respect for those above them; I think they have a great respect for the old families, who are generally large landed proprietors, particularly those who are resident among them; and that, generally speaking, they have a kindly feeling towards them, without reference to their religion.

2066. If you take the great bulk of the Catholic population of Ireland, do not you find them frequently in the position of landed proprietors?—There are not so many large landed proprietors among Roman-catholics as there are among Protestants.

2067. Do you find any Roman-catholic farmers who are cultivating their own land?—Do you mean owners in fee?

2068. Yes?—I cannot answer that question. I have no means of knowing who possesses land in fee or who does not.

2069. If I happened to be stationed in the county of York or Lancaster, I should be able to give an answer to the question, whether many of the farmers within 10 miles were owners of the farms they occupied; and probably you could not live in any district in Ireland for several years without knowing something of the same fact, if it be a fact. In your peregrinations in Ireland, have you met with any great number of cases, in which Roman-catholic occupiers of land are proprietors of the land which they cultivate?—I have a very intimate knowledge of Ireland, but I cannot pretend to say who are owners in fee and who are not, or whether their tenure is leasehold or otherwise. I have never had any object in inquiring into a man's tenure of his property.

2070. Has it not come within your knowledge generally, that these occupiers were occupiers on such an estate, or somebody's estate; that is, being occupiers of a portion of some large estate, and not cultivators of land in their own possession?—

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possession?—I think that in most cases the farmers are tenants holding under landed proprietors; looking at it in this way, they are not owners in fee.

2071. Can you, from your knowledge, give a list of 10 Roman-catholic farmers, farming anywhere from 20 up to 200 acres, whose land is absolutely their own, and for which they pay no rent?—I cannot.

2072. Do you think you can give a list of five?—I do not think I can give you, at this moment, the name of one, from my own knewledge. I do not mean to say there are not any; I do not know of my own knowledge that such exist to any considerable extent.

2073. Is it your belief that they do not exist?—I believe there are not very many.

2074. In speaking of Mr. Roe's case in Tipperary, you stated that when you got soldiers and police, they paid the money?—Yes, when their cattle were distrained.

2075. In most cases, would not the cattle seized exceed the amount of rent which the tenant owed?—In some cases it would exceed it, in some it would not exceed it.

2076. But generally they would take care, if there was enough on the land, to have enough?—Certainly.

2077. If a tenant owed 20*l.* rent, and he had 60*l.* worth of cattle seized, is it not probable that he would make every effort to raise the 20*l.* rather than let his 60*l.* worth of cattle be sold?—In such an event as that he would do so.

2078. You do not consider it to be any proof that the rent of Mr. Roe's land was not reasonable, that after the cattle had been seized, the men, by some means or other, got as much money as would pay the rent?—No; I do not see that that is any direct proof of the rent being reasonable, nor do I see that it is any proof that it was unreasonable.

2079. Judging from your answers to questions with regard to Mr. Roe and the military and police, you appear to consider the military and police very efficient in the collection of rent?—No, I do not consider they are efficient in that way; but I consider that it was necessary to protect the bailiffs who made the distress; military nor police are never employed to collect rent.

2080. Would you recommend the Government to place at the disposal of landed proprietors a greater force of military and police, for the purpose of collecting their rent?—I think the present force is sufficient. I am certain that if a landlord who wishes to make a distress, requires protection, he will get

get it, and we have ample means of giving it, without increasing either the military or police.

2081. Is there at present much emigration in the district in which you have been lately stationed?—There is a great deal of emigration generally throughout Ireland.

2082. Have you lately visited any of the ports, or talked with, or had intercourse with people who are emigrating?—No, but I have had opportunities officially of knowing that emigration has been very extensive.

2083. If you see an Irishman, and his wife and children, and baggage going down to Limerick, or to any port, what do they say about it in conversation?—That they think they could "better themselves" by going to America.

2084. Mr. *Goold.*] Did you ever hear them say anything about the taxation of the country?—Not that I am aware of.

2085. Mr. *Bright.*] What is the grievance of which they complain?—I have not heard them complain of any grievance. They receive favourable reports from their relatives who have gone to America, which induces them to emigrate; in many cases their relations send them money to enable them to do so. A very large amount for that purpose has been remitted from America to relations of former emigrants, to take their families out.

2086. Supposing anybody were to lend you money for your passage, probably you would not be likely to go?—I should certainly go, if I thought I could improve my circumstances.

2087. Can you state to the Committee why these people abandon their native land?—As I have said before, I know no other reason, than that it is to "better their condition," as they say.

2088. Mr. *Leslie.*] Do you think the potato failure has anything to do with it?—I do not know, but it is probable it had.

2089. Mr. *Bright.*] Do you know whether a large number of Irishmen, who have gone over to the United States, have become occupiers of land in the State of New York, or in the valley of the Mississippi?—I think a great many have. They travel up the country, even as far as the Illinois territory. I recollect having had occasion to send a constable to that country to effect the arrest of a man charged with murder. The constable was surprised to find a large colony, almost exclusive Irish, settled there, some of whom attempted to murder him, under the following circumstances: About the year 1847 a man named White shot his own cousin in his own field in the county of Tipperary; White escaped to America. Some time after we received information that he had purchased a farm

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farm in the Illinois territory. Lord Clarendon authorized the inspector-general to send a constable to America, to endeavour to effect White's arrest. Constable Keaons (who was acquainted with White) was sent on this duty. He proceeded to a small town called Galena, where, upon inquiry, he ascertained that White's farm was near a place called Vinegar Hill. Having procured the aid of an American constable, he set out for the farm, and when within a short distance of it he perceived White with two of his men loading a waggon with some felled timber. Keaons (the constable) advanced alone and arrested White. His labourers attempted to rescue him, but the constables being armed with pistols, threatened to shoot White should they persist. He then placed White on his own waggon (in the meantime the American constable had disappeared), and brought him prisoner to Galena (a distance of 10 miles), to the office of the state marshal (a magistrate). The moment the Irish heard of it, from 200 to 300 of them assembled in front of the office, and demanded the surrender of the prisoner, at the same time declaring they would murder the constable. The marshal was either unable or unwilling to protect the man, and the mob commenced breaking into the house. Fortunately, however, for Keaons, a young man, an American, managed to get him out through a back window, and into the hotel, where he remained concealed for some hours; the mob all this time continued searching for him, and calling out for his life. Eventually the young man referred to succeeded in taking him off in his gig at nightfall to a distant ferry, which the constable crossed, and had to travel all night before he reached a place of safety. Last year, having received information that White was in New York, and had been boasting of this exploit, Lord Clarendon again ordered a constable to be sent after him. Constable Keaons was again selected, but before he reached New York, White had left.

2090. White did not come with him?—No; White was rescued by the Irish.

2091. Do you know whether any persons who have given information in this country, have emigrated to America to get out of the way, and to avoid retaliation here, have found their position unpleasant among the Irish when they got to America?—I have heard reports of that kind, but I do not know it to be the fact. I do not think they would be likely to return again.

2092. Was the case of which you have spoken with regard to White, an agrarian outrage?—It was an agrarian outrage.

2093. Have

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2093. Have you ever had an opportunity of reading any letters from the Irish settled in America, to their friends in Ireland?—I have seen several.

2094. Do you know that one great inducement to them to cross the Atlantic, is the ease with which they become the possessors of land in America?—In many cases; but I have also heard that many who have gone out to America have suffered very great deprivations and absolute destitution.

2095. Is it not natural that men who go out very poor in an emigrant ship, and who have a fever, and who land without any occupation in bad health, should suffer much, and that many of them should die?—I am speaking of sufferings after they have landed, and have been in the country for some time.

2096. Is it not an impression among the Irish, with whom you have come in contact, when they were about to emigrate, that in America, from some cause or other, instead of being occupiers at the will of the landlord, in a country where there is a fierce competition for land subject to a high rent, their position in America would be much better, where land is much more easily obtained, and that they would become independent proprietors themselves?—Yes; that is the general impression among the people, and of course it is what induces so many to emigrate.

2097. Have you ever been in the United States?—No.

2098. You have perhaps occasionally read books and newspapers about the United States?—Yes.

2099. Are you aware of any reason why an Irishman in the United States should become a peaceable, industrious, prosperous citizen, whilst somehow or other you cannot get an Irishman into that position in his own country?—I am not quite certain that that is generally the case. I have a friend who is living, not in the United States, but in Canada, with whom I sometimes correspond, and he gives me a very different account of the Irish who go out there.

2100. Does he state that they do not become peaceable and prosperous?—Yes.

2101. He speaks probably of Irishmen in the towns?—No; he speaks of Irishmen in the country; he speaks of the country near Toronto.

2102. Does he say that Irishmen in Canada do not settle on land, become prosperous, and that the next generation will not flourish?—I do not mean to say that.

2103. You have no hope from the time when your grandfather

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father lived, that the next generation in Ireland will be any better than the last?—I have every hope.

2104. Is it not a hope still not fulfilled?—I hope it is in progress of being fulfilled.

2105. Can you state what is the secret that Irishmen in great numbers in America, become all that you would wish to see them in Ireland, but which you very rarely see them in Ireland? —I cannot say that you very rarely see them what you would wish them to become. I know very many industrious farmers of all classes of the community; and there are some counties, where you will find extremely industrious and well-conditioned people, both in the south and in the north.

2106. But still in such a condition that respectable farmers sympathise with, and sometimes employ, assassins to get rid of their landlords?—Farmers, who probably have been evicted. I do not mean to say, that a respectable man who is in possession of a farm, wants to get rid of his landlord except he is about to be evicted, nor do I intend to convey that a respectable farmer in possession of a farm is a party to any combination of the kind; quite the contrary. I have only been speaking of ill-conditioned parties both in Tipperary and in Limerick, and in other disturbed counties of Ireland. There are highly respectable and well-ordered, and well-conditioned people among the farmers of Ireland.

2107. Apart from the question of force, of law, of punishment, of jury system, change of venue, and so on, which are naturally very prominent in your mind, and alive to your professional career, you have nothing to suggest to the Committee? —I have no suggestion to make, except what I have already submitted to the Committee.

2108. Mr. *Solicitor-General for Ireland.*] You have been asked whether all counties in Ireland were not alike affected by this agrarian code. Is it not the fact, that if they are affected, they are so affected in very different degrees?— Certainly.

2109. For instance, have you been much in the county of Antrim?—I have.

2110. Are not the people in the county of Antrim, generally speaking, as happy and as well circumstanced as in any part of the world?—I should think so; in Antrim, Londonderry, and the greater part of Down and other counties.

2111. Where there is the linen manufacture and the tenant right custom, as they call it; and where every man sleeps comfortably in his bed?—Yes.

2112. Have

2112. Have you not known it to be the fact, that even there Ribbonism has existed?—Yes.

2113. Where there was no just ground of complaint?—Yes.

2114. Is not Wicklow county a very well circumstanced county?—It is.

2115. Dublin, Kildare, Wexford, Carlow, and many others?—Yes.

2116. You said that you doubted whether a change of venue should be granted in criminal cases. Have you given any evidence on that subject before?—No, I have not. What I said was that it had been formerly my opinion that it would be a good thing; but that upon more mature consideration, I did not really see that any good result would follow a change of venue. I fear that, irrespective of the trouble and expense attendant upon bringing witnesses from their own county to another, there is the chance of a witness being required in the course of a trial, who had not been heard of before, and for want of whose evidence the trial might fail.

2117. You are now speaking of the order of the trial, and of the hazard of not having your witnesses?—Yes.

2118. That does not touch the principle, but is matter of arrangement and careful preparation, and is incident to all trials in every court, not having a witness at the time he is required?—Yes.

2119. You have stated that several counties are in a very slight degree affected with this agrarian code?—Yes.

2120. The county of Louth is very much disturbed at the present moment?—A certain part of it.

2121. According to the evidence which has been given, justice at the assizes has been defeated and baffled?—Yes.

2122. Do you mean to say that it would not tend to the satisfactory administration of justice, to have a Ribbon case inquired into by an impartial jury; it might be of merchants, unconnected with land, in the city of Dublin, instead of being traders in the county of Louth, for an offence committed in that county?—I think there are advantages and disadvantages attending it.

2123. State the advantages and the disadvantages?—The advantages are, that you would have a jury without Ribbonmen on it. There is no Ribbonism in the county of Dublin that I have heard of. The disadvantages are those I have just mentioned.

2124. Is it not of the very essence of a jury trial, to have jurors

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jurors who are not liable to intimidation or partiality?—Of course it is.

2125. If you have a trial in a county where men cannot be intimidated, have you not a better chance of having what is properly considered a jury trial, by men who are not subject to alarm or terror?—Yes, you would; if the very fact of trying a case of that kind did not induce terror.

2126. What is the distance from Dundalk to Dublin by the railway?—About forty miles, I think.

2127. Then, in truth, a witness might leave Dundalk in the morning, and be in court at Dublin at 10 o'clock on the day of the trial?—Of course.

2128. And in justice to the prisoner, arrangements ought to be made to pay his witnesses in such a case, for going out of the county where they live?—Yes; if you change the venue it would be only a matter of justice to do so.

2129. Would he not also have the advantage of selecting his advocate from the whole bar, at a very moderate expense in the city of Dublin?—He would have the advantage of selecting his advocate. The expense I cannot say anything about.

2130. He would not have the advantage he has now of terrifying the jurors?—He would not. With regard to terrifying jurors, it is to be observed that if jurors are to be intimidated by Ribbonmen, I do not know why jurors in one county are not as likely to be intimidated as jurors in another county, because they may have reason to apprehend, from the nature of the Ribbon system, they would not be safe even in their own county.

2131. Do you mean to say that the class of jurymen who would try such a case in a criminal court in the city of Dublin, or in Belfast, would be as likely to be intimidated by Ribbonism as jurymen living in a county perhaps close to the criminal who is on trial?—Of course they would not be as likely to be intimidated in a city as in a county.

2132. Did you ever attend at the criminal assizes of the county of Antrim?—No.

2133. Do you believe that a Ribbonman on trial there, if he was guilty and the case was clearly proved against him, would be likely to escape conviction?—I should think not.

2134. Do you mean to state, from your knowledge, that a jury in Belfast would be intimidated?—I give the same answer with respect to Belfast as with respect to Dublin; I do not think they would be as likely to be intimidated.

2135. You have spoken of "equitable rights" between landlord

landlord and tenant; will you state what you mean by that phrase?—I mean that where there is no lease between a landlord and a tenant, where the tenant holds at will, or from year to year, some arrangement should be made that the tenant should be allowed for any improvements he may have made on the property.

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2136–7. You have stated that people are murdered to obtain a reduction of rents; if they get a reduction of 20 per cent. upon one murder being committed, in your judgment is it not probable they would proceed with the system until they obtained things according to their desire?—Some tenants are very extravagant in their demands of reductions; for instance, I heard of a case in the county of Armagh, of a man who paid only four shillings an acre for his land; rents being generally reduced on the property. He was offered a reduction of four shillings in the pound on his rent, although he only paid four shillings an acre; he demanded a reduction of 6*s.* 8*d.* in the pound on his rent. I consider that was very unreasonable.

2138. Mr. *Caulfield.*] You do not call that an equitable demand?—No, I do not.

2139. Mr. *Solicitor-General for Ireland.*] Do you know what the price in America would be of land per acre?—Although I have some land in America, I cannot tell exactly the price of land.

2140. In what part of America?—Near Toronto.

2141. Is the taxation in America of that land of which you are the lucky proprietor, of the same amount as the taxation on land in Ireland?—Not at all.

2142. You were asked whether Roman-catholic farmers or others purchased land; are you aware that there are hundreds of thousands of acres of land at this moment for sale in Ireland?—I believe there are.

2143. If they have the money, and choose to buy it, according to the law of the land they may buy it, may they not?—Most unquestionably.

2144. But if they have not the money, there is no mode of getting it lawfully?—Of course they cannot get it if they have no money.

2145. With reference to the question of emigration, assuming that, to a certain extent, the Irish do very much improve in America, would you ascribe that to the circumstance that they escape from certain influences which impede their exertions in Ireland and poison their minds; the Tenant League,

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and things of that kind?—I have heard it so alleged; I have heard that several emigrants have said as much.

2146. Mr. *Bright.*] What have they said?—That they wished to escape from certain influences.

2147. What do you mean by "certain influences"?—By "certain influences," I understood that meant the influence of their own clergy, and that they wished to escape from it.

2148. Mr. *Scully.*] Do you mean that they wished to escape from the payments to the clergy?—From their influence.

2149. Influence injurious to their interest, or injurious to their persons, or in what way?—They feel themselves overtaxed, I imagine.

2150. By the clergy?—I fancy so.

2151. What clergy?—Roman-catholic, I mean.

2152. Is it to escape the tax of the Roman-catholic clergy that they emigrate?—Both tax and influence, as I have heard.

2153. The tax and influence of the Roman-catholic clergy?—Yes.

2154. Do you know it of your own knowledge from them?—I do not.

2155. Mr. *Solicitor-General for Ireland.*] Is it not the fact, that the price of labour is very much greater in America than in Ireland?—Considerably more.

2156. You have spoken about rents and about land; can you tell this Committee, from the results of your residence in those counties among the great proprietors in Louth or Armagh or Monaghan, of any acts of oppression and cruelty which have come to your own knowledge?—No, I cannot speak of any acts of oppression or cruelty at all; but I know that on one property in Louth, (not of a resident proprietor, but property of a nobleman who lives in England,) that very recently the rent has been reduced 50 per cent.?—The rent was two guineas an acre, and it has been reduced to one guinea an acre.

2157. For Louth land?—Yes.

2158. Is it not the best land in Ireland?—Some of it is not very good.

2159. Some of it is good?—Some of it is good.

2160. On whose estate is the land to which you refer?—The Duke of Bedford's.

2161. Perhaps that rent, for anything you know, may have been the rent which was paid for the land before the repeal of the corn laws?—I do not know how long the rent existed at that amount, but it has been reduced within the last few months.

2162. Was

2162. Was that statute acre or Irish acre?—Irish acre.

2163. Mr. *Caulfield.*] The rent of two guineas an acre was hitherto paid for the land?—I cannot speak to that.

2164. Mr. *Solicitor-General for Ireland.*] Can you state how long it was paid?—I do not know.

2165. In speaking of the particular case which you have selected, are you aware of all the circumstances connected with the reduction of the rent, or do you speak from what you have heard?—I only know it from what I have heard, but I believe it to be the fact.

2166. Mr. *Goold.*] With respect to changing the venue, do you think that generally there is much confidence in the minds of the people as to the fairness of criminal proceedings?—I have never heard any complaint with regard to that. The only complaint that I have heard is, that they have not generally at quarter sessions the advantage of counsel, and have not the same means of defending themselves; and I believe that generally speaking they would rather be tried at the assizes than at quarter sessions.

2167. Is there no bar at quarter sessions?—Very seldom; in the county of Cork there used to be two resident barristers who occasionally attended.

2168. Suppose that a prisoner were taken from Louth to Dublin, and upon being tried was convicted, do you think that the relatives of that man would feel that he had not had a fair trial?—Indeed I think they would have some suspicion of that nature. I think that what did not take place under their own eye they would suspect, and they would not perhaps have an opportunity of attending the trial.

2169. Do not you think that it would almost inevitably follow, that if the venue were changed, and the prisoner were removed from Louth or Monaghan, to Dublin or Belfast, and tried and convicted there, that no matter how fair his trial might have been, the impression among the relatives of the convicted person would be, that he had been unfairly dealt with?—I believe that they would have a suspicion of that kind.

2170. Do not you think that that would be mischievous?—Of course, anything which tends to create a doubt or suspicion with regard to the administration of justice would not be desirable.

2171. Have you ever considered the practice of Scotch juries, in voting by certain majorities?—I think that the introduction of the Scotch system would be much more desirable than the change of venue; but I believe there is

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great objection to the system of convicting a prisoner by a less number of jurymen than 12. I see no reason why a jury should not be increased to 15, and let the number to convict be 12; in that way, you would leave a kind of margin for a certain class of jurors termed "book eaters."

2172. You were asked what could induce Irishmen to leave their native land; do you believe there is a very considerable amount of emigration going on from England at present?—I am not aware of it.

2173. Have you heard that there is a large amount of emigration from Germany?—I have seen it so stated in the papers, but I have no means of knowing it otherwise.

2174. Mr. *Scully*.] When you were in the county of Tipperary, did you go over any of the property or land of Mr. Roe?—I was of course over some of the property to a certain extent, but not with any particular object.

2175. Did you attend the military and police in assisting the bailiffs in distraining on the cattle?—As a magistrate I was with them. The military will not proceed without a magistrate.

2176. Did you observe the condition of the peasantry on that property?—I did.

2177. In what state were they?—They appeared to me to be not much inferior, indeed I would not say they were inferior, generally speaking, to the tenantry in that part of the country.

2178. What number of head of cattle did you take on that occasion?—I do not remember.

2179. Was it a large amount?—It was not a very large amount.

2180. Did you hear that Mr. Roe had threatened any of the tenants with eviction?—I did.

2181. Are you aware of the rent of the property generally?—I am not.

2182. Were you at the time?—I believe I was at the time; I quite forget it.

2183. Are you aware that it bore the description of being rack-rented?—No, I cannot say that it did.

2184. What was the occasion of the eviction of Lonergan?—I believe Lonergan owed four or five years' rent; he was a desperate character, and even his own family did not like him.

2185. Had you any difficulty in getting evidence against him?—No; the case was a very peculiar one. The evidence was circumstantial all through; we got all the witnesses who were

were needful for the trial. There were, I believe, as many as twenty witnesses, and we had not to pay a farthing of reward.

2186. Mr. *Hatchell.*] A very corroborating and decisive piece of evidence was, that a piece of paper with writing upon it, and manifestly part of the wadding of the gun, was found where the shot was fired, and the corresponding part of the paper was found in the man's house ; was not that so?—Yes.

2187. Mr. *Scully.*] In the case of the witnesses who had attended on the trial in the case of Mr. Roe, what became of them?—Some of them were sent out of the country.

2188. Did you ever hear of their being intimidated or attacked since, in consequence of the evidence they gave?—I do not recollect having heard of it.

2189. Are you aware that several properties in that neighbourhood were what is called, under the Court of Chancery? —No, I am not.

2190. Are you aware that Mr. Roe left some children who were minors in Chancery?—I think he did.

2191. Did you hear that one reason for the murder was, that properties in the neighbourhood which had been under the Court of Chancery were so managed, that the tenants in fact were allowed to have the lands as they liked, and that in case Mr. Roe was murdered his property would probably go into Chancery, and that they would have the land on better terms?—I have heard it.

2192. Do you believe there were any grounds for such a report?—I believe there were.

2193. That property being kept up at a considerable or at the rack rent?—I do not mean to say that it was at a rack rent. But I do now remember having heard that there was a notion prevalent among Mr. Roe's tenants, that if Mr. Roe were got rid of, his children being very young, there would, of course, be a long minority, and that the property would be left in the charge of a receiver, and that the tenants would have pretty much their own way.

2194. Are you aware that since the murder of Mr. Roe, the rents have been considerably reduced?—I am not.

2195. Are you aware that property in that neighbourh od has fallen in value 50 per cent.?—No.

2196. With respect to publicans, you state in your suggestions that publicans are known to be the leaders and the heads of Ribbon Societies in the different districts in the counties to which you have been lately referring?—Yes.

2197. If that is the case, how is it that the police have not arrested the heads of those Ribbon lodges, and brought them

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to trial?—The police cannot arrest a man unless he be charged an offence.

2198. How do you know that the meetings of Ribbon lodges are held in those public-houses?—From private information.

2199. Do you know that of your own certain knowledge?—Yes; I mean, from information given directly to myself, which I believe.

2200. And yet you cannot prosecute them?—We cannot prosecute them as an illegal society unless we have evidence; we must have an information, and of course a warrant to arrest, and we must then prove the offence. How can we prove the offence? We may know, and we do know frequently, that Ribbon lodges meet in public-houses; but what evidence have we to sustain that?

2201. Have you not the approver, of whom you were speaking, or the informer?—If we have an approver, and can detect the parties, and get papers before them, of course we have a case. Since I was last examined, my attention has been called to the case of an officer of ours who had an approver; this man went round to five counties where Ribbon lodges had been detected, and, upon the evidence of this approver there was a conviction in each of those five cases; and, for a considerable period afterwards, in those counties Ribbonism was put down; but it is not always, very rarely indeed, that we can get a man who is bold enough to give evidence as an approver; we may obtain plenty of private information, but it leads to nothing in general. I have had myself conversations with informers and Ribbonmen with respect to these matters, not only lately, but some years ago in the county of Sligo, where I was sent by the Lord Lieutenant to inquire into the system. I was sent afterwards to Devonport in the case of a Ribbonman who had been concerned in a murder. I examined him, and he gave me a full statement of the whole system, with the names of the parties concerned; and afterwards, when examining an informer in the county of Sligo, he gave the names of the very same parties, as the delegates and masters of lodges, and so forth.

2202. Did you afterwards prove any case against those parties?—No; the man went back of his statement afterwards. I could not, in England, take an information; but subsequently, when I had him brought to Dublin, he denied every thing he had said.

2203. Have you any reason to suppose that information was correct?—I have not the least doubt of it. It was given by

by two men who were unknown to each other, by one in Sligo and the other in Devonport; and they both gave the same information as to the same parties.

2204. Lord *Naas.*] And they had never seen each other?—They had never seen each other that I am aware of, and did not know each other; yet the same system, and every thing connected with it, was as accurately described by them as if they had been in previous concert.

2205. Mr. *Scully.*] In those cases to which you have referred of public-houses in the north of Ireland, is your source of knowledge from private information?—Yes.

2206. From various parties?—Yes.

2207. And yet you cannot prove the cases?—We have been unable to prove any case; and we have been less able to prove a case since the repeal of that section of the Act which made the possession of pass-words and signs an offence. I stated, in a former part of my examination, that I did not remember on what grounds that clause was struck out; but my attention has since been called to a case which occurred in the county of Meath, where it was alleged that papers had been put into a man's pocket. If the case had been properly investigated, I think it might have been easily discovered that it was a made-up thing; but I do not see why, even supposing that the fact was so (I do not know whether it was a fact), that clause should have been repealed. You might as well not have a law against larceny, because you might put a spoon in a man's pocket and then charge him with stealing it.

2208. Would it not be much easier to put a written document into a man's pocket than a silver spoon?—You may put anything into his pocket.

2209. Do you think that, notwithstanding the danger of convicting an innocent person, which might be the case, if the man was not really guilty of having the document knowingly, it is essential to restore the law with respect to prosecutions for Ribbon documents found on the person?—I do not see on what principle it ought not to be restored.

2210. Might it not be abused very constantly?—I do not think it is more liable to abuse than any other law. Any person may get up a conspiracy to charge another with an offence.

2211. If a person has a wicked feeling or a malicious feeling towards another, what is more easy than to slip a piece of paper into his pocket, which may lie there a day or two, and then to go to the police and give information that such a person has a document in his possession? The police would

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visit him, and you would prosecute him upon the document being found in his possession, and you would convict him of felony?—I do not see that there would be evidence to convict him, because you must have proved that it was an illegal document.

2212. Mr. *Solicitor-General for Ireland.*] And that it was knowingly in his possession?—Yes.

2213. Mr. *Scully.*] You have stated in your suggestions that an illegal document should be published in the "Dublin Gazette," and that after it had been published in the "Dublin Gazette," if the illegal document were found on the person, the parties should become liable to a penalty; is that so?—Yes.

2214. Do you think that the publication of such a document in the "Dublin Gazette" would be sufficient notice to the public in any district?—I think you have not read all the suggestion. "And on notice having been posted in the district where the offence was alleged to have been committed," I think, is the suggestion.

2215. Lord *Naas.*] Is it not usual to publish a notification of that nature in every police barrack?—Yes, a proclamation.

2216. Mr. *Scully.*] Would it not be necessary to give it more publicity than that?—I think you will find the suggestion is, "on proof of its having been posted in the district where the alleged offence was committed." The fact is, that the lower orders of Irish, in general, are extremely fond of anything like a secret society; and if you get rid of that secrecy, as you would by publication, you would get rid of the kind of charm which is annexed to it.

2217. Are you aware that many unlicensed houses exist in those districts?—No doubt of it.

2218. Are meetings held in those unlicensed houses?—I believe they are, sometimes, in what are usually termed shebbeen houses.

2219. Have the police and magistrates taken the necessary steps to put down those houses?—I think in the counties of Monaghan and Louth, within the last year and a half, they have put down about 176 of them.

2220. And yet a great number remain?—Yes.

2221. Can they not put down the remaining number, as well as those they have put down?—No; the law with regard to the powers of the police is very defective; for example, supposing they know that an unlicensed person has spirits in his house, they must, before they can proceed, obtain a warrant from a magistrate to search his house, and that warrant can only

only be directed to the sub-inspector of the district to mak the search; that officer may reside 30 miles from the place and he cannot of course keep travelling about the country 30 miles to search shebbeen houses; whereas, if the warrant were directed to any head or other constable, the evil might be cured.

2222. You make no distinction between licensed and unlicensed houses?—No; because the law is just as defective as to both.

2223. Is not more mischief entailed on the country by the existence of unlicensed houses than licensed houses?—Very great mischief.

2224. Would you make no distinction in the law?—If you give the same power in both cases, it will be quite sufficient.

2225. Do not you think that the character of persons obtaining the licences is a sufficient guarantee against being intruded upon by the police, at all hours and at all times?—I think it is just as necessary in the one case as in the other.

2226. With respect to unlicensed houses, you state that those changes are absolutely necessary?—Yes; I think they are absolutely necessary as regards both.

2227. Are there any changes which you suggest with respect to unlicensed houses?—I think what I have suggested would render the law more effective; but the law I now speak of, is a temporary one, and will, I believe, expire in a year or two.

2228. Are there any revenue police in those districts in the north?—There are in some of them.

2229. A large force?—No. There are revenue police at Castleblaney.

2230. And not in the other districts?—Yes; in some other districts.

2231. You are aware that the constabulary force do not interfere, in districts where the revenue police are stationed, with unlicensed houses?—Yes, they do. The revenue police do not interfere much with the unlicensed houses.

2232. Do not the revenue police search for illicit spirits?—They do search for illicit spirits; but I believe, in the large majority of cases, they do not sell illicit spirits in shebbeen houses.

2233. Is there much illicit spirit manufactured in those districts?—In some of them.

2234. Lord *Naas.*] Do you think there is anything in your suggestions which would materially interfere with the trade of the publican?—Not the least.

2235. Do you think that the legitimate sale of spirits would be

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be checked or interfered with by the carrying out of those suggestions which you have recommended to the Committee? Certainly not, except in cases where publicans shall have allowed illegal meetings in their houses, and their houses shall in consequence thereof have been ordered by the magistrates to be closed; but I mean with regard to publicans who are not affected with Ribbonism, and who would not, of course, be affected at all by those suggestions, that they would sell the spirits just the same as at present.

2236. Mr. *Scully.*] Would not the number of publicans be very much reduced, if those suggestions were carried out?—I think that we should get rid of improper persons who ought not to be publicans.

2237. And do you not think that proper persons would be interfered with in getting a licence?—Certainly not.

2238. Lord *Naas.*] Did not you think that the whole object of the present law is, to prevent improper persons keeping public-houses?—Certainly.

2239. And your suggestions merely go to carry out the spirit of the law?—Yes; I beg to observe, with reference to one of those suggestions, recommending a change in law as to overseers of public-houses (two of whom are now empowered to grant certificates of good conduct to publicans as an authority to the excise officer to renew their licences, and who in this way manage to get rid of the certificate of the sub-inspector), about a month or two ago, the sub-inspector of the Newry district had refused to certify for certain publicans, whom he had good reason to believe were Ribbonmen, and had allowed Ribbonmen to meet in their houses: in this parish there are no overseers; but it is intended by certain persons to get up a meeting to appoint overseers in this particular district for the very purpose of giving certificates to those publicans who had been refused certificates by the sub-inspector; this shows the necessity of a change in the law.

2240. *Chairman.*] With respect to a change of venue, suppose a case in which, from the state of a county, you could not get a verdict from a jury, in consequence of intimidation and undue influence, what remedy do you propose in that case?—If you could not get a verdict in a case which appeared to be very clear and satisfactory to the judge who tried it, under those circumstances I think that it would be well to try what could be done by a change of venue.

2241. Do not you think that if the parties in the locality were aware that you had the power of changing the venue, it would operate to some extent upon them with regard to the prevention

prevention of crime?—I do not know how it would operate exactly.

2242. Or for the prevention of intimidation?—It is very difficult to say how the people would feel in a case of that kind.

2243. In the case of a failure of justice, and, as you say, the judge thinking it was a fit case to be tried elsewhere, you would think that a proper mode?—Yes.

2244. Suppose the Court of Queen's Bench were of opinion, taking all the circumstances of the case into consideration, that it could be tried with more expectation of justice in a different locality, what would you say to that?—I think it would be very right; because there would be facts brought before the judges to satisfy them of the necessity of a change of the venue.

2245. Suppose the court could be satisfied, upon a proper application, that a case could be tried better in another locality, would you say that that would be a proper change of the law?—I think so. What I spoke of before, was the Crown having the power to change the venue without the intervention of the court.

2246. You meant to say, that it would not be right to give the Crown the power, of their own accord, to lay the venue in a particular place?—Yes.

2247. Would you think it a wise thing to enable the Court of Queen's Bench, in the exercise of the criminal jurisdiction, to order a trial in such locality as, upon the facts brought before them, might appear most reasonable?—Certainly; because, of course, the Court of Queen's Bench would require most ample and very substantial evidence of the facts before doing so.

2248. Do you conceive that it would be an improvement of the law, for the purpose of its just administration, to give that power to the Court of Queen's Bench?—Certainly.

2249. Mr. *Scully.*] Would not that entail additional expense on the part of the prisoner?—I understood just now, that the question assumed that the Crown were to pay the expenses of the prisoner.

2250. I am speaking of the motion in the Court of Queen's Bench to change the venue: would not the motion, which would be argued on both sides by counsel for the prisoner and counsel for the Crown, entail additional expense on the part of the prisoner?—Of course it would, unless the court assigned counsel to argue the case.

2251. Would

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2251. Would it not be a hardship which does not press upon him now?—It would be an additional expense, undoubtedly.

Lunæ, 3° *die Maii*, 1852.

MEMBERS PRESENT.

Sir William Somerville.	Mr. Caulfield.
Mr. Solicitor-General for Ireland.	Mr. Hatchell.
Sir James E. Tennent.	Mr. Bright.
Mr. Baines.	Mr. O'Flaherty.
Mr. Henry Drummond.	Mr. Scully.
Mr. Leslie.	Mr. Goold.
Mr. Fortescue.	Lord Naas.
	Mr. Keogh.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

James Major, Esq., called in; and Examined.

J. Major, Esq.

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2252. *Chairman.*] YOU are the Assistant-barrister for the county of Monaghan?—Yes; and I am also Chairman of Quarter Sessions.

2253. Have you been assistant-barrister in other counties before you went to Monaghan?—Yes, I have been assistant-barrister and chairman of quarter sessions at Cork, Wexford, Cavan, and now in Monaghan.

2254. Have you filled the office a good many years?—I think for twenty years.

2255. You are also one of Her Majesty's counsel?—Yes.

2256. Have you paid much attention to the mode of constructing the jury book, and the jury lists in Ireland?—I am aware of the manner in which the juries are formed, and the jurors' book prepared.

2257. What is the main statute for regulating the formation of juries?—The Act of the 3d and 4th William 4, c. 91, commonly called, I think, Judge Perrin's Act.

2258. Are the jury books in Ireland professed to be made up in accordance with that Act?—They are professed to be so, but they cannot be, in my judgment, made up according to the

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the provisions of the Act. Under that Act the clerk of the peace of the county issues a precept; that precept is directed (it being so provided by the Act) to officers who are called cess collectors of the respective baronies for collecting county cess. In that precept the clerk of the peace directs those officers to make a return of the names of all persons within the particular barony qualified to serve on juries under the provision of the 3d and 4th Will. 4. The qualifications under that Act necessary for jurors, are having 10 *l.* a year out of premises held in fee, in fee tail, or for life, and who are entitled to 15 *l.* a year from leasehold interest. The cess collectors are also directed to furnish the names of persons who are entitled to serve as special jurors; and those persons, I think, are stated to be persons who are possessed of 5,000 *l.* in money or who have 100 *l.* a year, merchants, eldest sons of peers, persons who have been in nomination for the office of sheriff, persons who have served on the grand jury or have been summoned to serve on the grand jury.

2259. Is there any mode by which the barony collector is enabled to acquire information as to these qualifications?—There are no means by which the cess collector, as he is called in Ireland, has the means of ascertaining the qualifications of those persons, or of any of them; under the old Registration Act for registering freeholders, there might have been some means of ascertaining persons who had freeholds; under the old Act a person who had a certain freehold or a person who had a certain leasehold interest, was entitled to be registered, and to have his name put on the list of freeholders of the county, or leaseholders of the county, who are entitled to vote at elections; by reference to that book some information might have been obtained, but not accurate information; and indeed a very small portion of the information, I should say, which would be necessary to form a jury list under the provisions of the 3 & 4 Will. 4. In answer to the precept directing a return of the names of the persons qualified, the cess collectors or collector, if there is only one, makes his return to the clerk of the peace of the persons who he supposes to be qualified; but in truth it is merely conjecture; he has no means of ascertaining it, and I do not believe he takes the trouble of ascertaining it; he returns a great number of names, and I should say that probably not one-third of the persons he returns come within the description of the qualifications of the 3 & 4 Will. 4. I speak, however, only of my own county; and it may be different in other counties. When the clerk of the peace receives the return,

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turn, he is directed by the Act to make out a book containing the names of the persons so returned; the next step is that the clerk of the peace, from the information which he has derived from the collector of cess, makes out a return for the special session which is directed by the Act of Parliament to be held, of the justices, not at quarter sessions, but a special session for the revision of that list. In my experience that has never been practically or usefully done. I do not attend the sessions as chairman of the county. A certain number of justices, who reside in the particular districts immediately connected with the baronies, are required by the clerk of the peace to attend at quarter sessions a particular day, within a week or ten days of the 5th or 6th of December. The clerk of the peace attends there with the list which he has made out, from the information which he has received from the cess collectors, and he submits that list to the justices. As the law now exists, they have no power to strike off any person from that list, unless a previous notice is given to that person. I think it requires ten days or a fortnight's notice. They are also directed to strike off any person from that list who is above 60 years of age; and any person who is above 60 years of age, and who finds his name upon that list (which I omitted to state is published, that the public may know what names are on it), is entitled to appear at the revision session; and if he establishes that he is upwards of 60 years of age, the justices have the power to strike him off the list; but in truth, the duty of giving that notice is not imposed upon any particular person; and I have often had occasion to complain of the manner in which that list has been revised, conceiving that it is of great importance to the public that that revision, even imperfect as it is, and as is provided by the Act, should be so made that improper or disqualified persons should be struck off. The justices seldom effectually discharge that duty, and I do not mean to say they can discharge it; they cannot do it, no matter how well disposed, because they have not materials or powers to enable them to do it. They assemble; the list is presented to them by the clerk of the peace; and there is seldom anything more done than to examine and to sign the list by whomsoever may happen to be the chairman of the revision session. When the list is so signed, it is handed back to the clerk of the peace; and assuming that there will be alterations, the Act directs that it shall be reprinted; and having been reprinted by the clerk of the peace at the expense of the county, he hands

hands it to the sheriff; and that list is called the jury book of the county. It contains, as I have mentioned, the names of all persons who are qualified to serve in the civil court, and in the criminal court, and on special juries. It is a most unsatisfactory mode, as far as my experience goes, of striking the jurors, or of creating a jurors' list for the trial of civil rights, or of criminal offences.

2260. Is the barony constable a man of a superior class?—So far as I know he is not. He is generally a person with very humble qualifications. He can collect money. Of course there are exceptions; some of them are very intelligent persons, but generally they are persons not competent to undertake a duty involving the formation of the jury list.

2261. According to the present practice, there is considerable discretion exercised in returning persons on jury lists. Has he the power of omitting many persons who ought to be there?—Certainly, and no doubt he does. I do not speak from my own knowledge. I have, however, frequently before me, sitting judicially (which is the only means of information I have upon it), complaints made by jurors that their names have been put on the list from some motive on the part of the cess collector. There is no further check on him than I have mentioned. If the judge at assizes is perfectly satisfied that the cess collector has not performed his duty, he has the power of causing the grand jury to stop his salary, for he is paid by presentment; and I have myself recommended, in the discharge of my judicial duty more than once, a complaint to be made to the judge. The assistant-barrister is chairman of quarter sessions in Ireland. The chairman of quarter sessions is an office, and the Government appoint to that office.

2262. Mr. *O'Flaherty.*] By the recent Act?—Yes; but formerly it was virtually so, for although the election of the chairman was in the magistrates, and the assistant-barrister was one of the justices of the peace, in point of practice he was invariably chairman. I can speak for myself; I have sat as chairman without any formal election. I have always acted as chairman as well as one of the justices. If it were not conceded to me as it always has been, that I should take the chair, I conceive that I had no right to it whatever; but the magistrates, as far as my experience goes, have always acted with the greatest unanimity, and desire to promote the ends of justice as far as they possibly could. One advantage of the legal member of the court being the chairman is, that notes must be taken of each trial for purposes of official reference; and the magistrates, of course, cannot be so familiar with

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with taking notes of a trial as a person who is accustomed to it professionally; and he has also to charge the jury.

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2263. Mr. *Solicitor-General for Ireland.*] You were stating just now, when you were interrupted, that you had recommended something to be done?—I have more than once, upon application being made to me, that jurors were of a class of persons who could not be approved of, complained of the conduct of the cess collectors, and I have recommended that an application should be made to the Judge at the assizes, and that he should bring the matter before the grand jury, in whom the power altogether rests, that the presentment should be suspended, or that he should be deprived of his salary, because of non-performance of his duty. At assizes (being engaged in practice also), I have known the Judge complain of the manner in which the duties were performed; and he has spoken of the necessity of the grand jury taking some steps. It would be almost impossible, even if the cess collectors were a superior class, as the law now stands, for them to acquire the information which the 3 & 4 Will. 4 supposes they possess as the means of forming the jury list. How is it possible for one of those persons to know whether an estate is held in fee simple, or in tail, or for life, or the amount of it?

2264. *Chairman.*] Have you ever heard it stated, that the barony collectors take money to excuse persons being summoned on a jury?—I have heard it stated; but I cannot say that it has ever been satisfactorily proved before me.

2265. Are they appointed annually?—They may be appointed at each assizes, but may continue, I believe, for several years.

2266. Do you think it would be a very desirable thing, in the forming of the jury lists, to have persons of intelligence in the county brought as much as possible to take their fair share in the administration of justice?—I should say it would be most important for the administration of justice; and not only important, but I should say it is absolutely necessary.

2267. Have any means occurred to you by which that could be secured better than with the working of the present system?—Yes. I believe that as the law exists in England at the present moment there is, amongst others, one qualification, namely, that of rating. I think, under the 6 & 7 Geo. 4, amongst the qualifications for jurors in England, one is rating. At the time the 3 & 4 Will. 4 was enacted the poor laws did not exist in Ireland. I am speaking from recollection;

lection; I think it is the 6 Geo. 4; and I think there is a qualification with respect to 20 *l.* rating.

2268. Do you think the rating would furnish a convenient basis?—I am disposed to think it would. In my opinion, adopting the English plan, it would be the best and the safest, and that it would lead to the election of the best class of persons for the discharge of those duties.

2269. Would the list which is returned to the clerk of the peace for the purpose of constructing the Parliamentary list furnish the proper materials for getting persons rated according to their property?—I think it would.

2270. Is that list brought under your attention afterwards?—Yes; it forms one of the duties of the assistant barrister, distinct from his office of chairman of quarter sessions.

2271. And it comes under your attention for the purpose of checking it with reference to the Parliamentary franchise?—Yes. I will state in a few words what is the course taken. Under the late Act, the 13 & 14 Vict., the qualification with reference to the county is a 12 *l.* rating; and in boroughs, 8 *l.* The clerk of each union is directed by the statute to return, within a given period, a list of all persons rated to the amount of 12 *l.* in counties; and if there be a Parliamentary borough or city within the county, all persons rated within the city or borough to 8 *l.*

2272. Does the return specify the actual rating of each man, or merely when he is rated above 12 *l.*?—The actual rating; it is taken from the books of the clerk of the union.

2273. Then, from that list could be ascertained, when it is corrected, all the persons, for instance, rated above 20 *l.*?—Yes, accurately; the exact amount of the rating is specified. The clerk of the peace having got that return, makes out his book, and that book is revised at sessions, fixed for the purpose by the assistant barrister of the county at a revision sessions, as it is called, which is a duty thrown on him by the Act of Parliament.

2274. Supposing you fixed on any particular qualification for the rating for the jury panel, you could obtain it very conveniently from that list?—Certainly, the list is very accurately prepared; there is the name of the voter, there is a column for the nature of the qualification, whether it be freehold or leasehold, on which the rating is made, and the amount of the rating.

2275. In the case of a leaseholder, for instance, he takes 15 *l.* a year above reprises?—Yes, under the 3 and 4 Will. 4.

2276. You would say, supposing you take persons rated at

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20 *l.* a year, that that would give as good a class of jurors as under the former Act?—I should say that it would; but I have no knowledge which would enable me to give a satisfactory answer to that question; I should be inclined to make a higher rating than 20 *l.* in Ireland; it is 20 *l.* in England, but with other qualifications.

2277. Would you make it 30 *l.*?—Yes.

2278. Would a rating of 30 *l.* a year give a respectable class?—It would, and I would have no other qualification for a juror; I would have no question about whether he had a freehold estate held for life, or in fee or tail, or whether he was the eldest son of a peer; I should take the rating list as the qualification for a juror.

2279. Would that course of having jurors taken from the list so returned, get rid altogether of the intervention of the barony collector?—Yes; it is a book that cannot err; my reason for the opinion I have expressed is, that in that way you can accurately ascertain the qualification of the person; and there can be no mistake about it, unless there is a mistake in the return; the clerk of the union may make a mistake, but the book once revised contains the rating of every person in the county.

2280. Their duty would simply be ministerial?—Yes; the clerk of the peace, if he was the officer on whom it was thrown, would have simply to turn to the rating book; he would then have to look to the amount of rating; he would form a list of all persons rated, supposing it was 20 *l.*, at 20 *l.* and above 20 *l.*, or of all persons rated at 30 *l.* and above 30 *l.*; supposing it was to be a 30 *l.* rating, that list would of course include a great number; and I should say almost all the other persons who are now qualified as having 10 *l.* a year for life, or in fee simple, or in fee tail; it would simplify it very much.

2281. And the jury book to be made up afterwards from that list?—Yes.

2282. Are you aware, that in point of practice in Ireland, the better class of jurors do not like to be returned as jurors for the Crown Court?—Perfectly; of that I can speak from personal knowledge, because it occurs at some one of my sessions that complaints are made by persons who have been summoned by the sheriff to serve on the common jury list, as it is called, for the trial of prisoners, and not on the grand jury at quarter sessions, which the Committee are aware is constituted of a different class of persons from grand jury at the assizes. The persons who are selected for the grand jury

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jury at quarter sessions are persons of an humbler class than the persons who are summoned to serve on the grand jury at the assizes. The duty of the grand jury at quarter sessions is merely that of finding bills. The Committee are aware that the duty of the grand jury at the assizes, in point of fact, embraces all the fiscal business of the county; and the consequence is, that all gentlemen of estate and property in the county are summoned to attend the grand jury at the assizes. Magistrates are not summoned, nor can magistrates attend as grand jurors at the quarter sessions, because they are the judges of the court. I have known, that complaints have been made by persons who say, (and whether rightly or wrongly I cannot pretend to say), that the sheriff may be disposed to insult them by summoning them on the petty jury to try criminal cases at quarter sessions, and not summoning them on the grand jury at quarter sessions. Of course I have no jurisdiction in the matter, and all I can do is to recommend the sheriff to be a little more careful in his selection; I have no power to give them any redress. Complaints are frequently made, and sometimes motives are imputed, which do not exist at all on the part of the sheriff. In many cases it has been imputed to the sheriff that he was not friendly disposed towards the persons who complained, and that he wanted to insult them.

2283. Have you observed whether there is a difference in the class of jurors who attend on the civil side of the court, and those who attend on the criminal side at assizes?—A very great difference.

2284. Are those who attend on the civil side of the court generally of a more intelligent class?—Yes, a very different class of persons; they are persons who are not upon a jury in the criminal court for the trial of prisoners. The persons who are selected for the Crown Court are sometimes very proper persons; but, on the other hand, there is a great number of persons who attend there who are not qualified to discharge the important duties which are connected with the administration of the criminal law of the country.

2285. Would you think it a desirable thing, in summoning juries for the assizes, that there should always be one panel of jurors, simply to attend at the assizes?—I should say so, certainly.

2286. And liable to be called, either in the one or in the other?—In either court; and there should be no distinction.

2287. If a rule of law of that kind were introduced, do you

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think it would tend to do away with that invidious distinction?—I do.

2288. Do you also think that it would tend to promote the due administration of justice?—There is no doubt of it; and it is principally with that view I have come to the opinion that there should be no distinction between the jurors who attend the assizes for the trial of civil issues, and the jurors who attend in the criminal court.

2289. From your experience, do you think it very desirable in criminal cases, in the consideration of circumstantial evidence, to have jurors of an intelligent class?—I should say so, undoubtedly. I never could exactly understand why, in a trial which involves a man's life, there should be a class of persons selected different from the class of persons who try a civil right.

2290. The Crown can, by removing a case to the Court of Queen's Bench, have it tried by certiorari?—Yes, as the law now exists.

2291. Is that a circuitous process?—It is. As the law now exists, I believe the prisoner may, as well as the Attorney-general on behalf of the Crown, remove the proceeding to the Court of Queen's Bench by certiorari. The proceeding once removed, it is competent for the Attorney-general (speaking again from recollection and with great deference) to enter a suggestion on the record to change the venue to another county, by leave of the Court. Supposing that, in Monaghan, parties are in custody charged with an offence committed in the county of Monaghan, the Attorney-general, in my opinion, may, after bill found, remove that proceeding to the county of Wicklow, by simply entering a suggestion on the record, and I think it is equally competent to the prisoner, by leave of the Court.

2292. The Attorney-general could remove a case at any assizes to the Court of Queen's Bench, and then bring it down to the record side of the court?—Yes; that would be trying by a special or nisi prius jury. At present, the Attorney-general may remove a case to the Court of Queen's Bench by certiorari, and then it is sent back to the county to be tried, either by the nisi prius or a special jury.

2293. He may have a special jury in a case of misdemeanor?—Yes.

2294. Does there seem to be any reason why the Crown should be put to that circuitous process for the purpose of getting a better class of jury?—No; I do not know why it should be so.

2295. Would

2295. Would not the result of the proceeding by certiorari be substantially accomplished without delay and expense, by having one class of jurors for both courts?—I should say so. You would have better jurors in the criminal court.

2296. Would it not be an advantage to the prisoner?—I should say so. The prisoner is put to great inconvenience, and I should add expense; for he is obliged to be brought to the bar of the Court of Queen's Bench; he is brought up in the custody of the gaoler; he is obliged to appear at the bar; and he may, if he pleases, have counsel.

2297. Would the plan you propose, of having the qualification of the jury tested by rating, and having one panel for both courts, be a very great improvement in the administration of criminal justice?—I should say so, decidedly. However, it is right to state that that is only my opinion.

2298. Mr. *Baines.*] Have you any reason to think that there is a difference of opinion among professional gentlemen in Ireland upon that subject?—I have had no opportunity of discussing the question with them. I have considered the matter myself certainly, in reference to the cases which have come before me judicially, and the class of jurors who attend at quarter sessions, and also the class of jurors I have seen at the assizes, in the discharge of my professional duty.

2299. With regard to the place of trial, is there any description of cases in Ireland which make it desirable to remove the trial from the locality in which the offence has taken place, or to have the power of doing it?—As far as my own opinion goes, I should not be disposed to take away from the subject any existing right which he possesses at the present moment. There are, however, a class of cases which occur in Ireland certainly, which it might be desirable to try in another county. That class of cases are cases connected with agrarian outrages, and cases in which there may be strong political, or sectarian feelings in the county. I should not, however, be myself disposed to make any alteration in the law in that respect, except in an extreme case. If the plan were adopted which I have presumed to suggest, of having a better class of jurors, I think the necessity of that would be much obviated; and that was one of my reasons for coming to the conclusion to which I came as a matter of opinion, that the jury list should be improved.

2300. Do you think that in that class of cases to which you have adverted, there is a confidence which criminals have in impunity?—I think it is so in those cases. It is right to say, that in professional experience, one too frequently sees a

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confidence exhibited when a particular person, or particular persons, are sworn on the jury.

2301. Do you think if the Court of Queen's Bench, for instance, were armed really and truly with the power of removing the trial of a man to a more convenient county, it would tend, in that class of cases, to diminish their confidence?—I think it would. It is a power, of course, if it existed, which would be exercised upon the application and responsibility of the Attorney-general; a responsibility, I suppose, which he would very seldom be disposed to incur.

2302-3. You are aware that at present it exists with very strict limitations at common law?—Certainly.

2304. But it is almost impossible to exercise it?—Yes.

2305. Do you think it desirable to make that a real power under the Act of Parliament, and to enlarge it a little?—I should say so. I should always prefer in that, and in every other case, that everything should be done directly, and not circuitously, where the rights of the subject are concerned.

2306. At present the Attorney-general could not enter a suggestion without getting the leave of the Court?—No, he must apply for permission, I believe. The Attorney-general can have permission from the Court to enter a suggestion on the record, and to change the venue from one county to another, taking the preliminary proceeding of removing the case by a *certiorari*, to the Court of Queen's Bench. He has that power at the present moment, if he chooses to exercise it, in Ireland; and I do not know that it has been exercised. It has been exercised in this country once or twice; I think it was exercised on the part of the subject in that case of the Manchester riots. As well as I recollect, speaking of the case on recollection, I think the application was on the part of Mr. Hunt; and the ground of his application was, the existence of a prejudice on the part of the people of Manchester against him. I think, in that case, the application was granted, although resisted by the Crown.

2307. Do you remember the application to the Court of Queen's Bench in Dublin, in Gray's case?—I do.

2308. And that the application was refused in that case?—It was. I had forgotten that case.

2309. Was the application that was made an application for liberty on the part of the Attorney-general to enter a suggestion upon the record, with a view to have the trial in one of the adjoining counties?—It was; it was refused in that case. It was resisted on the part of the prisoner, and the Court refused the application.

2310. Do

2310. Do you remember how many trials had taken place? —There had certainly been one, and I think two. I am not quite certain as to the number.

2311. In cases connected with the Ribbon confederacy, where there is a large amount of intimidation and influence of various kinds, would you think it desirable, in such cases, that there should be a power in the Court of Queen's Bench to order a trial to take place in some locality which would be free from those influences?—I think, in a case such as you suggest, it would be desirable to place that power in the hands of the Court of Queen's Bench directly.

2312. Under special circumstances?—Under special circumstances. I can understand a county and a great body of jurors in a county, being so influenced as to prevent their coming to a satisfactory conclusion, either from fear or from other causes, in cases of that description.

2313. Do you think, without imputing to juries anything like what may be called corruption, or anything approaching to corruption, there might in some cases be a degree of timidity, which might prevent their dealing with the evidence int hat spirit which juries ought to exhibit?—There may be. I can understand perfectly a jury in particular classes of cases not being indisposed to adopt a doubt. If there be a reasonable or a rational doubt on the minds of the jury, they are directed by the Judge at the assizes or at a quarter sessions to give the prisoner the benefit of the doubt; and I can understand that there may be a class of cases where jurors, with every disposition to do what is right, may avail themselves of that, and search for some peg to hang a doubt upon.

2314. Mr. *Baines.*] Suppose a crime arising out of a contested election which has agitated a county from one end to the other; for instance, a charge of homicide, probably you think that would be a case in which there should be the power to which you have referred?—No, that is not the class of cases to which I refer; I consider cases of that kind would arise merely from temporary feeling; my observation applies to cases more fixed, more permanent, and more difficult to remove; I would not give the power where there is mere temporary feeling arising from such a cause as is suggested in the question.

2315. *Chairman.*] Would not the facility of communication by railway render it more easy to have a trial in another county?—Certainly.

2316. Do you think that in small towns and counties persons of the shopkeeping class are open to influence arising

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out of Ribbon confederacy?—I have no doubt they are, more or less.

2317. May not many of their customers from the country bring to bear a species of intimidation upon them?—No doubt, and I have expressed that opinion; frequent applications are made, in a particular class of cases, by jurors of the class you have mentioned, to be exempt from serving, from an unwillingness to come in contact with prisoners charged with a particular offence; shopkeepers and publicans are in general unwilling to serve on juries.

2318. Mr. *Solicitor-General for Ireland.*] To what do you ascribe that unwillingness?—To an indisposition on their part to be compelled by the evidence to find a verdict against prisoners who have enlisted more or less public sympathy.

2319. *Chairman.*] Those influences would not extend to jurors in a town like Belfast or Dublin?—I should say not in large towns, such as Belfast or Dublin.

2320. Are attempts ever made to levy money on the class of persons likely to serve on juries?—Yes; that is on the part of the sheriff bailiff, many complaints have come before me, in this way; when jurors are called and do not attend, they are fined; they sometimes apply to have the fine taken off, and in the course of the investigation this state of facts is frequently disclosed; that the bailiff, to whom the sheriff gives a certain number of blank summonses, signed by the sheriff to be filled up by a common bailiff—the bailiff goes out into the country with those blank summonses, and he comes to a juror whose name is on his list, and he proposes to serve him; the juror does not wish to be served, and he proposes to give him some small gratuity; he receives that gratuity, and he walks away from his house; whereas, if that gratuity be not offered, the summons is immediately filled up and handed to the man. Those matters have come before me to investigate judicially, and I have been obliged to require that the sheriff shall not issue any summons in blank. It is a practice greatly to be deprecated.

2321. The question referred to the levying of money by persons connected with Ribbon confederacy. Have you ever heard of their levying contributions for the defence of prisoners before trial?—I do not like to state a matter of hearsay. I hear a great deal on both sides. Any statement I may make, I wish to make as being within my own knowledge.

2322. In what way do you propose to remedy the evil you have spoken of with regard to the service of the summons?—

mons?—The summons should be filled up, in every case, by the sub-sheriff, who discharges all the duty of the high sheriff. Before any summons is handed to the bailiff for service, the name of the party should be inserted; and the bailiff should be compelled to serve him if practicable. Before a fine is imposed upon a juror for non-attendance, I require all the bailiffs who have served through the county to be brought on the table; they are sworn, and when a juror does not attend, the bailiff is interrogated by my direction, whether the man has been properly served. If he has been properly served, I strike a fine for non-attendance, first calling him again.

2323. Lord *Naas.*] would you propose to continue that system, provided the new mode of making this list, which you have suggested, were adopted?—It would be necessary, under all circumstances.

2324. Then you would make no alteration in the mode of summoning a juror?—No; except by imposing, if it can be done, on the sheriff more strictness in summoning; but the summons must still continue to be served by a class of persons selected by the sheriff, and upon the sheriff's responsibility.

2325. Mr. *Solicitor-General for Ireland.*] Would you suggest that the summons should be sent by post or served by hand?—I should say that the service should be as at present. As the law gives the power to the court to fine for non-attendance, the service should be very distinctly proved.

2326. Mr. *Baines.*] Might not the Legislature provide by enactment, that which you have very judiciously done by way of regulation in your own court, that there should not be blank summonses put into the hands of the bailiff?—Certainly. It may exist in every county; I only speak of my own practice; I do not say it does not exist in other counties.

2327. *Chairman.*] With regard to the clerk of the peace, is he a resident officer in the county?—No, he is obliged to have an office open from 11 o'clock in the day until four o'clock, but that office may be attended by his deputy; and in practice he has a deputy. In point of fact the clerk of the peace may perform all his duties by deputy.

2328. Is the clerk of the Crown a resident officer in the county?—The clerk of the Crown does not keep an open office, I believe, but I think, according to the provision of the Act, he is bound to keep an office at some place where papers may be left, but I am not aware whether, in point of fact, he does so.

2329. Would

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2329. Would you think it desirable in any changes in the administration of justice, that the offices of the clerk of the Crown and the clerk of the peace should be filled by one person?—Undoubtedly.

2330. Generally speaking, in most of the counties of Ireland is the clerk of the peace appointed by the custos rotulorum?—Yes, that is one of the difficulties; it is a private office in the patronage of the custos rotulorum. It is not, I believe, now so; the late law gave the power of appointment to lieutenants of counties. As soon as the office falls, the patronage is in the lieutenant of the county, as I best recollect.

2331. Mr. *Solicitor-General for Ireland.*] Are you of opinion that an office of that nature should be in the hands of the Government?—I think it should.

2332. Is it your opinion that the duties which are now performed by the clerk of the peace, and by the clerk of the Crown, should be discharged by one and the same person, to be resident within the county?—I should say so, with sufficient assistance.

2333. *Chairman.*] If you have an officer combining the power of both offices in his person, and resident in the county, would he be a very important officer in the administration of justice?—Certainly, very important.

2334. Do you think the executive government should have the power of appointing that officer?—Yes, undoubtedly.

2335. Would an officer of that description resident in the county, be enabled to give the magistrates very material assistance in the discharge of their duties?—Certainly.

2336. And conduce to the administration of justice?—Certainly, if a competent person was selected.

2337. Do you remember the recent change which was made in appointing clerks for the Crown for counties, in some instances?—Yes, there was a change made. The clerk of the Crown formerly was clerk of the Crown for the entire circuit.

2338. Was it not rather expected that the object I have mentioned, namely, the assistance to magistrates in the discharge of their duty, would be carried out in some degree by that course?—Yes.

2339. In the county of Armagh, does the same gentleman perform the duties of clerk of the peace and clerk of the Crown?—Yes; Mr. Dobbin is clerk of the Crown, and also clerk of the peace of Armagh, and he is a very efficient officer, and he has also the assistance of one or two deputies.

2340. Mr.

2340. Mr. *Leslie.*] Does he reside in Armagh?—No, he resides in Dublin, I think; he has a house in Dublin.

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2341. *Chairman.*] With regard to the formation of the special jury list, and the summoning of jurors for the assizes, in what way would you have that worked out?—The special jurors should be selected from the jury list, which, as I mentioned before, was to be composed of all persons rated in the county at and above a certain rate. The special jury list, I propose, should be composed of persons rated, say at 50 *l.* and upwards; and that that list should be selected from the same book by the clerk of the peace; he has the same means of selecting those he has for selecting the common jury list, and I should say that if that list, or copies of it, were sent up and deposited in the respective courts in Dublin with the proper officer, to be called the special jury list, then the suitors, plaintiff, and defendant might have a special jury from it without any trouble or inconvenience. The Committee are aware that there is now a lengthened, most expensive, and tedious process, by which jurors, both common and special, are selected. A writ called a venire issues; there is then a distringas; the distringas is taken from a return which is made by the returning officer both in London and in Dublin of the sheriff of the respective counties; and that distringas goes down attached to what is technically called the record, to be tried. I should be disposed to abolish all that, which in truth is nothing but a cobweb (one may say) of the law, and have nothing but one precept issuing from the Judges of the respective circuits so soon as fixed. By law the circuits must be fixed a certain time before they commence in the first town. I should require the Judges of the respective circuits to issue a precept or precepts to the respective sheriffs upon their circuit, simply directing them to bring to the assizes, or require at the assizes, the attendance of a certain number of jurors for the trial of criminal as well as civil cases. I should suggest that there should be no second panel for the criminal court; but I would authorize the sheriff to require the common jury list, excluding the class of men who would be special jurors, to attend at the assizes on the first day of the assizes; and that those persons should be required to attend there, as I mentioned, for the trial of issues between subject and subject, as well as between the Crown and the subject.

2342. Mr. *O'Flaherty.*] You are not now referring to special jurors?—No, I am excepting the special jurors; I am speaking

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speaking of the panel for the trial of ordinary common jury cases. For the trial of all criminal cases I would have the same jury who tried common jury cases called upon to try an issue between the Crown and the subject.

2343. *Chairman.*] That would get rid of all those forms of which you have spoken?—Yes. You would then have only one writ issued, and you would get rid of all this fiction, for in truth it is nothing but fiction. The venire which issues is directed to the sheriff, and the sheriff seldom sees it.

2344. Mr. *O'Flaherty.*] With reference to the appointment of a special jury, would you include, or would you exclude, in the ordinary panel for the Crown and civil trials, those who are on the list of special jurors?—I would exclude them for the common cases, because they would be the list deposited and distinguished from the other.

2345. Mr. *Solicitor-General for Ireland.*] With respect to the jury system in Ireland, you object to the present system, because it is cumbrous, and in very many instances abortive?—Yes.

2346. You have mentioned four or five steps in the process; first the precept by the clerk of the peace to the cess collector; then the return by him of qualified persons; and you have said that he does not ascertain, and cannot ascertain in many instances, who are the qualified persons?—I say so.

2347. Then, thirdly, you say that the revision by justices at the sessions appointed by law for that purpose is abortive, and is incomplete, and is not attended with beneficial results?—Yes; I do not think the justices have the means of accomplishing the object professed.

2348. They cannot strike off a name without notice to the individual?—No.

2349. Is there any person appointed by the Act to serve that notice?—No; the Act is silent upon that, according to my recollection.

2350. Then, in point of fact this list, no matter how imperfectly framed, leaves the sessions just as it comes to them for revision?—Generally, in practice, it does.

2351. You were understood to state that you think—not meaning to cast reflection on individuals, that the cess collectors are not persons to be entrusted with so important a duty?—I do not think they are in that situation of life that they can be expected to perform such a duty.

2352. In giving your evidence about the cess collectors, you spoke according to the result of your observation, generally speaking?—Certainly. My information only applies to cases which

which have been brought before me. I may add that I know several very respectable and intelligent persons who are cess collectors.

2353. In order to avoid the circuitous process which you have described, you have proposed that the clerk of each union should return to the clerk of the peace a list of persons rated, it may be, at 20 *l.* or 30 *l.*, or from 30 *l.* to 50 *l.*? —The principle I suggest is to be founded on the list made by the clerk of the peace from the returns he has from the clerks of the unions.

2354. And that would be general, and therefore impartial? —I should say so, and correct.

2355. Can you state to the Committee how many thousands of jurors you would get in that way in each county; for instance, in such a county as Down?—I can only speak of the county of which I am chairman. There are at present on the revised list, which I revised myself, I think 4,100 registered voters.

2356. Mr. *Scully.*] What qualification?—From 12 *l.* upwards.

2357. Do you know how many are under 20 *l.*?—I cannot state the number accurately. It can easily be ascertained by reference to the book.

2358. Mr. *Solicitor-General for Ireland.*] You have no doubt that would give a large list?—I have no doubt of it; I should say one-third at least; but it can be easily ascertained.

2359. Would that include a class of respectable men who are now excluded, who do not hold by lease?—Yes.

2360. You propose to remove all questions about tenure, and make it a mere matter of rating?—Certainly, irrespective of their holdings, whether they hold by freehold or for a term of years.

2361. You sit as chairman at present in Monaghan?—Yes.

2362. Did you know Mr. Bateson, the gentleman who was murdered?—Very well.

2363. Had you seen a great deal of him?—Yes; he was a magistrate of the county.

2364. Did he attend with you at the sessions?—He did.

2365. What sort of person was he?—A very amiable and respectable man, none more so.

2366. All ejectment cases are tried before you?—Yes.

2367. And at the whole of the civil and criminal business you are present?—Yes.

2368. In reference to Mr. Bateson, did instances ever come before

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before you of what may be called cruelty or oppression on his part?—Certainly not.

2369. How often in the year are you in attendance at sessions?—Four times every year.

2370. In every division of the county?—In every division of the county, four times a year.

2371. Has Ribbonism increased or diminished of late, according to your judgment?—I cannot give you any opinion about that. I have no opportunity of knowing. Again, I would protect myself from the notion of giving any evidence to the Committee on hearsay.

2372. In reference to a part of your evidence about what is popularly called changing the venue, do you see any objection whatever in the class of cases to which the Attorney-general drew your attention of Ribbonism, to giving the power of a short application to the Court of Queen's Bench to allow a trial to be had in such county as might be most convenient, on proper terms, to the prisoner, in reference to the expense of his witnesses or otherwise, as to the Court might in the particular case seem expedient?—I think I have already said that I do not.

2373. Taking care to provide for the prisoner?—Yes; what I mean to convey is this, that I would give the Crown the same power of doing that directly which can now be done circuitously.

2374. Providing, at the same time, for the rights of the prisoner?—Yes.

2375. Your opinion is understood to be, that the jurors for criminal cases ought to be made as respectable as civil jurors?—I should say so; I should make no difference whatever; and it is right I should mention, that there has been a very valuable report by the Common Law Commissioners in this country, and I think in that report they virtually suggest that course.

2376. The Committee are very much interested in reference to the conduct of Crown prosecutions on the circuits. Would it or not be right, in your opinion, that two gentlemen of the bar should be selected to undertake to attend exclusively to the conduct of Crown prosecutions?—I am disposed to say not; and I will give you my reason. It is an advantage for Crown prosecutors to have occasionally civil duties to perform. If their duties are nakedly and entirely confined to Crown prosecutions, they become what we professionally term "rusty."

2377. The question did not assume that they were not to have

have civil business, but that when they undertook to attend to a criminal case, for instance, a trial of murder of importance, they would attend to it from beginning to end?—Certainly.

2378. Understanding the question in that sense, is it your opinion that there ought to be two gentlemen of that kind appointed for each circuit to attend to the Crown business in that way?—I should say three; and for the reason I have mentioned, that they might not be excluded from civil business, so as to secure the presence of two in the Crown Court.

2379. Would not the State save something by fixing two, and giving authority to the Crown solicitor in all important cases to take in a third?—Yes, I think that would meet the difficulty.

2380. Mr. *O'Flaherty.*] It has been stated to this Committee on a former occasion, and you have also stated with reference to the qualification of jurors in counties, that there were only two qualifications?—There are more than two. What I meant to state to-day was, that the qualifications were, a person who had 10 *l.* a year in fee simple, 10 *l.* in fee tail, and 10 *l.* for life, or 15 *l.* from a leasehold interest. Those are specified in the Act.

2381. Is there any other qualification?—For special juries there are.

2382. For common juries?—The qualifications are expressly stated in the first section of the Act, "That every man, except as hereinafter excepted, between the ages of 21 years and 60 years, residing in any county in Ireland, who shall have, in his own name or in trust for him, within the same county, 10 *l.* by the year above reprises in lands and tenements, or in rents issuing out of any lands or tenements, or in lands, tenements, and rents taken together, in fee simple, fee tail, or for the life of himself or some other person or persons, or who shall have within the same county 15 *l.* by the year above reprises in lands or tenements, held by lease or leases originally made for an absolute term of not less than 21 years, whether the same shall or shall not be determinable on any life or lives; and also every resident, merchant, freeman, and householder, having a house and tenement in any city, town, or borough situate within the said county, of the clear yearly value of 20 *l.*, such city, town, or borough not being a county in itself, shall be qualified with respect to property, and shall be liable to serve on juries."

2383. That is a qualification for a jury of the county?—Yes.

2384. That

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2384. That makes a third qualification?—It does virtually make a third qualification; and that is my reason for suggesting there should be a third qualification.

2385. Then the Committee are to understand you to state there is that qualification independently of the others?—Certainly; and hence it is that I would give in my suggestions a new qualification in the same way, that there should be as it is now a rating in a town of 8 *l.*, and in a county of 12 *l.* The rating for a juror which I should propose, confining it to the rating, would be in a county in the same proportion, in reference to the 8 *l.* purchase, as it would be in reference to the 12 *l.* In my view there should be a rating qualification in towns and in counties for jurors as there is in this Act. The qualification in towns now is only 8 *l.*; therefore if you adopt the general qualification of the county jurors and say 20 *l.*, it is in fact according to the reference of 20 *l.* to 12 *l.*, and then a juror who should be qualified for a county, drawing that qualification from the town, should have a qualification of, say from 15 *l.* to 8 *l.*

2386. That is, that a town juror should have a less qualification than a person occupying lands or tenements?—Yes, and for this reason, that persons residing in towns and carrying on business, are more intelligent generally.

2387. With reference to the formation of the jury list; from your experience, or from your knowledge of the law, do you think that magistrates ought to be on the list which you have described?—That is a matter on which some doubt may be entertained, and my reason for expressing a doubt is, that if they are to be on the general lists they will then be competent to serve on a criminal panel; and of course it would be objectionable that magistrates should be on the criminal panel; but one clause of the Act would contain a list of the grounds of challenge; and I should provide that the prisoner would have the power of challenging any person who was a magistrate. They would be very competent persons to try a nisi prius case.

2388. Your object in so doing would be merely to preserve him for a nisi prius case?—Yes, and to prevent his being on Crown panel.

2389. Would you include that challenge of a magistrate in the Crown Court, in the 20 peremptory challenges of a prisoner?—No.

2390. Then it would be enough for him to say that he was a magistrate?—Yes.

2391. You would preserve him for the purposes of the other court?—

court?—Simply; I would make no distinction in the list, but I would give the prisoner the power of saying that he was a magistrate, or the juror himself to make the objection. *J. Major, Esq.* 3 May 1852.

2392. You would not confine that to cases of capital offence, but would give it in all cases?—Certainly, in all cases, I would give him the power of objecting to a magistrate; I should be disposed to give him the power in all cases. For example, there is a class of cases tried, which probably would not come within the class of challenge. A magistrate might have taken informations against a prisoner. I should be disposed to say, that in no case, if a prisoner chooses to object, should a justice of the peace be on the jury.

2393. With reference to the change of venue, do you not think the improvements in the jury law, which are now suggested by you, and sought to be carried out, would obviate the necessity of that change?—I think they would go a great way; hence it is that I answered that I should adopt that with some degree of caution, and after more mature consideration.

2394. Do not you think that changing the venue would be a serious interference with the right of the subject, who ought, generally speaking, to be tried by his own peers in his own county?—I do not know that it can be said to be an interference, when it exists at present.

2395. There must be a cause assigned?—The Attorney-general has only to enter on the record his suggestion, without stating any cause whatever, but having previously obtained permission from the Court; and that was my reason for mentioning, that what I would propose to do should be done directly. I would compel the Attorney-general to state his reasons for changing the venue; it is in favour of the subject that my suggestion is made.

2396. Would you not leave the law as it is now, and let the Attorney-general express his wish on his own responsibility, if he saw any necessity for such a proceeding?—I would rather have the law free from all ambiguity and doubt, and declare that the Attorney-general had the power, and not leave it to his discretion to do it. I should rather give the subject the power, and the Attorney-general the power, with the permission of the Court.

2397. Mr. *Solicitor-General for Ireland.*] And you would leave the subject to dispute that with the Attorney-general?—Yes; if he chose.

2398. Mr. *O'Flaherty.*] With reference to barony constables, you have spoken of their being a class of persons who

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are not competent for the performance of the duties assigned to them; you allude to your own particular county?—Yes; everything that I have stated has been from my own knowledge; what I stated in reference to the barony collectors, arises from matters which have been brought before me in the shape of complaints as to the manner in which the lists have been prepared.

2399. You were understood to state that in point of fact it was more from the defect of the law not giving power either to magistrates or the constables, to select or reject?—Yes; I stated that even if the constable, or rather the cess collector, was qualified to discharge all the duties which are now imposed upon him by law, he has not materials to act upon.

2400. Supposing the rating in counties to be at 12 *l.* and upwards, and in towns at 8 *l.* and upwards, would you be disposed to make that the qualification for jurors?—I should require a larger qualification for a juror.

2401. In your opinion, what qualification ought to be required?—I can form none, except the suggestions I have offered; I take the 20 *l.* rating from the English Act; the rating qualification is 20 *l.* in England.

2402. In counties?—Yes.

2403. What would you have it in towns?—Adopting the proportion that 20 *l.* bears to 12 *l.*, and take a sum bearing the same proportion to 8 *l.*; I do not fix upon any sum, but of course that is a matter which would require great consideration, and returns would be required, I should say, from the respective counties; I can understand, that in some counties there might possibly be a difficulty in getting jurors; I will take Kildare, for example; and I should say that in Kildare the number who have the franchise is small, but their holdings are large.

2404. What would you consider a sufficient number of jurors for a county, having the same panel for both courts?—Adopting what I suggest, I should say that at each assize there ought to be at least from 200 to 300 jurors summoned.

2405. Lord *Naas*.] You are speaking now of both quarter sessions and assizes?—I should say 300 for the assizes only, and I should say probably 100 at quarter sessions.

2406. Mr. *O'Flaherty*.] Can you fix the number which ought to be summoned for each court?—The precept should direct the sheriff to summon 200 or 300 to attend at the assizes for the trial of issues between the Crown and subject, and between subject and subject.

2407. And the same at quarter sessions?—Yes. It was more

more from my knowledge of the practice at quarter sessions that I came to the conclusion that there should be a sweeping away of the venire altogether. At present the practice at quarter sessions is, to issue a precept. The practice is, that the chairman (it is done in some counties by two justices) issues a precept, at or immediately after each sessions, for the attendance of jurors for the succeeding sessions. That precept is forwarded by the clerk of the peace to the sheriff, and the jury attend in pursuance of that precept. Now, it is a precept very similar to that which I should recommend, as a precept which would be applicable in all cases at the assizes and at quarter sessions.

2408. Your list, of course, would contain all the men of property in the county, of all classes over 12 *l.*?—Not on the list of jurors. My list of jurors would merely contain the names of all persons rated at and above the sum which might be determined upon as the qualification.

2409. Therefore it would contain all the persons in the county rated over 20*l.*?—Yes, 20, or 15 in town.

2410. What do you propose with reference to the formation of the grand jury?—I should leave it as it is, for this reason; we have a code which is known as grand jury laws; and in Ireland the office of a grand juror is not only important in reference to his criminal duties, but he has to dispose of all the fiscal business of the country.

2411. There is no qualification as you are aware at present for a grand juror?—No particular qualification; the grand jury is generally composed of gentlemen of station and owners of property within the county, but not necessarily resident.

2412. You are aware that the grand jury has very considerable power, both with reference to the criminal law and taxing of counties. Do not you think it would be equally right that there should be some qualification provided for a grand juror?—Yes.

2413. Would it not be a good criterion for the high sheriff in framing his panel, to take that panel which you have now described as over 20 *l.*, and to form his grand jury as he thinks proper from that panel?—I see no objection to it.

2414. Do not you think it would be a great improvement in the administration of the criminal law as well as the fiscal business of the country, if that was required to be done?—I think it would. I think you will find in the Grand Jury Act a provision for that. It is required, according to my recollection, that a certain number of persons shall be summoned on the grand jury from each barony.

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2415. Would it not be desirable that every person who has the power of taxing a county should be a ratepayer of that county?—I think it would be most desirable, and I think the law provides it at the present moment. I think the Grand Jury Act contains an express provision for the very thing. My recollection is, that the Grand Jury Act contains a provision that the barony shall be properly represented.

2416. Mr. *H. Drummond.*] Are all magistrates on the grand jury at the assizes?—Not all; there are a great number of the grand jury who are magistrates, but all the magistrates are not on the grand jury.

2417. Then all magistrates have not, as in England, any management of the fiscal concerns of the county?—No. In Ireland there are what are called presentment sessions, and the presentment sessions have all the fiscal matters connected with the business of the county brought before them. The body consists of cess payers and justices; and supposing a private individual requires a presentment for a road or for a building, he has to prepare that presentment, and it is submitted to the special road sessions. The body composing the sessions are magistrates and cess payers; the cess payers are appointed by the grand jury at the preceding assizes, and that body so constituted take into consideration the claim, and they may reject it or adopt it; if they reject it, it is competent for the party to bring it before the grand jury; and if they adopt it, it is equally competent for them again to inquire into it. Even after the grand jury have approved of it, it is competent to any cess payer to object to the application of any portion of public money, and have the matter investigated before a petty jury. It has been discussed whether the Judge has a discretion to take away that right; and for some time it was considered that it was quite discretionary with the Judge whether he would permit that latter inquiry before the common jury, by way of traverse; it was ultimately decided that he had the discretion, yet it is now never exercised. It is almost as of right for any person, a cess payer, in the county, even after it has passed through those two inquiries—first, before the special sessions, and, secondly, before the grand jury, to traverse that presentment; and he may have the traverse inquired into by a jury before the Judge presiding at the assizes.

2418. The fiscal management of the county is not in the hands exclusively of the magistrates, but partly of the magistrates, and partly of other persons?—Certainly; it is in the power of grand jury, special sessions, and traverse jury.

2419. By whom are those other persons nominated?—The tribunal

tribunal I have mentioned, which is composed of justices who are *ex officio* members of it within the particular district of the road sessions; there are a certain number of cess payers within the particular district who are named by the grand jury at the preceding assizes.

2420. Then it is not the whole business of the county, but the county divided into sections?—Yes, baronies.

2421. Is it the same persons who do the business of each of them, or is there a different committee for one section of the county and another committee for another section?—There are particular sessions for each barony, and for each barony there is a body which is called the road sessions; that tribunal consists of justices within that particular district, and of a certain number of the cess payers who are named by the preceding grand jury. The first inquiry is as to the claim of the person who requires the expenditure of any sum of money; if any cess payer, or any person within that barony, requires 10 *l.* or 15 *l.* or 20 *l.* to be expended on any public object, he has to prefer a claim before that tribunal.

2422. Does not the great difficulty in obtaining convictions of persons whom all the world know to be guilty arise from the intimidation of witnesses?—I should say not only from the intimidation of witnesses, but from apprehension on the part of the jurors.

2423. Then a change of venue would get rid of the apprehension on the part of the jurors, but it would not affect at all the intimidation of witnesses?—Yes; you would take the witnesses out of the county.

2424. But they would have to go back again after the trial?—No doubt; but they would not be under the immediate influence of persons disposed to intimidate.

2425. You propose to change lists for the purpose of obtaining a better class of jurymen; how would that affect the intimidation of witnesses?—I do not say that would affect the witnesses; I think that so far as the witnesses are concerned, the change in the jury law could make no great difference, but it would relieve them from the presence of those persons whom they may fear.

2426. Had you ever in Ireland that old Saxon law, which made either the barony of the county or the hundred, as it is called in England, finable for any offence committed within it?—Not in application; but at present, under an Act of Parliament which is called the "Crime and Outrage Act," a particular district in which crime is committed, the Lord Lieutenant has the power of proclaiming, and as soon as he has

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has proclaimed that district he has also the power of sending down within that district an additional number of police; the expenes of that, and the expense of keeping up the police in that particular district, is chargeable upon the district, and may be levied instanter by a warrant from the Crown.

2427. Are the persons who have been convicted or accused of these outrages a class of persons upon whom any part of the expense would fall?—I cannot exactly answer that question; there have been a great number of cases where parties have been convicted of an offence who undoubtedly would be liable to a portion of the expense; but, on the other hand, a great number of the persons who commit those crimes are strangers to the country and strangers to the district.

2428. They are assisted or sympathised with by persons in the district?—It is supposed that they are brought there; and if they are not brought there, they escape out of the district without any effort being made to arrest them.

8429. Did you ever consider the effect of making the lord-lieutenant answerable for the peace of his county, and so giving him absolute power in the nomination and removal of magistrates?—The lieutenant of a county in Ireland has, in point of fact, the nomination of the magistrates, and I may say indirectly the power of removing the magistrates; because I have no doubt, that upon a representation made by the lieutenant of the county to the Lord Chancellor, who has the power, a magistrate would be removed on a proper case; but directly, the lieutenant of a county has no power to remove a magistrate.

2430. Have the Government in general appointed as lieutenants of counties only persons who are resident in Ireland, or have they appointed absentees?—A great number, I should say, of lieutenants of counties in Ireland are not resident. They have themselves the power of appointing, or recommending for appointment, a vice-lieutenant, which is frequently exercised; and if they are not resident in the county, I think they have exercised it, and they have the power of doing so. Either the lieutenant or vice-lieutenant must, although not constantly resident, come under the class of persons who are called residents.

2431. Have you ever considered what are the causes which led to this state of society—of a body of the lower orders banded together by secret oaths and bonds, so as to set the law at defiance, and murder gentlemen and landowners?—I cannot, except as a mere matter of opinion, give you any information on that subject. I can only collect it from the

state

state of the country, and from the observations one hears made upon results, and certainly nothing can be more alarming. I can speak of the county of which I am chairman. At the sessions at which I presided in last January, I was sitting, in truth, as if I was administering law in an enemy's country, surrounded by a large body of police. It was immediately after the death of the gentleman whose name has been mentioned, Mr. Bateson; magistrates coming into the town armed; jurors alarmed. The lieutenant of the county, Lord Rossmore, was obliged to attend himself; and he did attend, and there was a general meeting of the magistrates within the district. I happen to know that every power which the Government possessed was placed at the disposal of the lieutenant of the county. Every means that the Government could have recourse to were had recourse to.

2432. For the purpose of repressing and punishing crime?—Yes.

2433. What are the causes which led to it?—There are complaints on the part of the people.

2434. What do the people say?—They say either that their rents are too high, or that they are not properly treated. They sometimes complain that their rents are too high, and that their claims for reduction are not properly considered. There are two instances which appear to me to be not unimportant, and which I think were unfortunate instances, which occurred at the very period to which I refer. With regard to two large estates within the disturbed district, there had been applications for reduction of rent for some time previous; whether well founded or ill founded I cannot say, but there were undoubtedly applications for reduction of rent; no reduction was made; very shortly after Mr. Bateson lost his life a considerable reduction of rent was made. The prudence of such a course, exercising my own discretion, I should doubt very much. If the claims were well founded they ought to have been conceded at once, and if they were ill founded they ought not to have been conceded so recently after an event of that kind.

2435. The second cause that you alleged was, that the people were not well treated?—I do not mean ill treated by their landlords; what I meant was, that whatever claims they had, whether well or ill founded, they were not properly considered.

2436. In point of fact, was not Mr. Bateson the agent for two distinct properties, one being at a considerable distance from the other?—Mr. Bateson, I know of my own know-

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ledge, was agent to Lord Templetown of one estate which is in the immediate vicinity of one of my session towns; he was also agent for an estate in the county of Antrim; and he visited each estate in alternate weeks. He resided in Antrim, and he came up to Castleblaney and discharged his duties as an agent there, I believe every alternate week.

2437. Was he an agent for any other estate?—Not that I am aware of.

2438. Do you know of any other estate under his management of which complaints have been made for several years, during the whole of which time he never went near it?—No, I am not aware of it.

2439. Have you ever resided in England?—Yes, a great deal in the early part of my life. I was educated in England.

2440. Are you aware of any striking difference in the manner of the higher classes, for instance, such a man as Mr. Bateson, or anybody else of that character, speaking to the lower class of people in this country?—I should say there is, from my observation and from my early knowledge.

2441. Does not that irritate the people?—I think it would.

2442. Mr. *Baines.*] What is the difference?—I think that in England, as far as my observation goes, the claims of the humbler classes, when they are made, are entertained with more apparent attention and consideration; but I do not believe there is a body of persons in the world more humane and considerate than the landlords, and those who represent them in Ireland. Of course there are exceptions in every case.

2443. Mr. *H. Drummond.*] Are not the poor very much irritated by gentlemen shooting their dogs, for instance?—I have never known anything of that kind.

2444. Did you ever hear it said, with regard to Mr. Bateson, that he had irritated the people very much by continually shooting their dogs?—No, I never heard of it. I think it is right to state that I not only never heard of it, but certainly no case of the kind has ever come before me. The courts are open to every person in the community, and no matter how humble his position may be, he may get immediate redress for an act of that kind. There is not only the criminal court of quarter sessions in Ireland, but a civil court corresponding precisely with the county court in England. There is no hesitation on the part of the humbler classes in seeking redress in those courts against the highest men in the community. I have known many claims for compensation for acts of trespass, for injury committed by superiors upon inferiors, and they get

get prompt and ready redress. I never heard of the circumstance which has been mentioned with reference to Mr. Bateson. Mr. Bateson was a most humane man, and most considerate towards the tenantry; and not only so, but I can speak from judicial knowledge, that during a period of nearly five years—he had been in the country after I was there, and I have taken some pains to ascertain it—there were only 36 or 37 ejectments over a most extensive estate brought into my court. I took some pains to inquire into it in consequence of some observations which were made. There was not, in the county of Monaghan, a single landowner or agent who came into my court less frequently than Mr. Bateson.

2445. Lord Templetown's estate, in general, was very well managed, was it not?—I never heard of any complaints being made. I know there was a farm of Lord Templetown's near Castleblaney, on which he had been expending a great deal of money as a kind of model farm, and I have often heard that Mr. Bateson took great pride in the manner in which he was conducting that farm solely for the benefit of the public.

2446. Mr. *Solicitor-General for Ireland.*] Was he coming from that farm when he was murdered?—It was in coming from that farm that he was murdered.

2447. And talking to the people on the road?—Yes.

2448. Mr. *H. Drummond.*] Have you no idea at all what was the cause of the people's dislike to him?—I have my opinion; but I can give no further information. My own opinion was, that it was the act of three persons, and only the act of three persons. There were three persons (and it was a matter of notoriety) who committed the murder. It appeared on the trial that those three persons had been in Mr. Bateson's employ; that they were discharged from some cause or other; and that those three persons who were discharged had been soliciting to be restored to his employment, and that he peremptorily refused to restore them. It was said that the persons who committed the murder were those persons, and two of the persons who were tried were persons who had been in his service.

2449. Then the cause of his murder had nothing at all to do with the generally disturbed state of the country, but was a mere personal act?—I cannot state that; I merely state it as my own opinion, and I state it merely on this ground, that from everything I had known of Mr. Bateson, from having a judicial knowledge of his conduct to his tenantry, from his never having brought any harsh proceedings against the tenantry in my court, having only brought 36 or 37 ejectments within

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within a period of five years into my court, and having also fewer civil bills for rent than most persons in the county, I could not suppose, nor do I still think, that it was the act of the public, because I cannot understand the motive they could have had for an act evidencing such a demoralized state of society.

2450. Mr. *Leslie.*] Are you not aware that he had received threatening notices for two or three years before?—I never heard of it. It has been so stated since his death; but although he was my brother magistrate, I never heard him state that he had received a single threatening notice.

2451. You are not aware that they were found among his papers after his death?—No; I have heard it stated that they were found.

2452. Mr. *Scully.*] For how many years have you been chairman of Monaghan?—Since 1836.

2453. Has crime increased much in that county since you were appointed chairman?—I am not aware that it has. Last session was the lightest criminal session I have ever had. In one division of the county I never recollect so few cases; in the other division of the county, which is the portion which has been proclaimed, the cases were very much less, although they were very much more in the other divisions.

2454. Mr. *Solicitor-General for Ireland.*] What was the date of the sessions?—They commenced on the 28th of March last, and terminated, I think, about three weeks afterwards.

2455. Mr. *Scully.*] Have outrages of an agrarian nature increased in that county to a great extent?—I think that class of crime has increased within the last two or three years; at my last session, although the number was very much fewer, there had been, in the interval, a special commission in Monaghan, and there had been also the assizes, and the Committee are aware that in Ireland the same class of cases are tried both at the assize and at the sessions.

2456. In former years, 1842, 1843, and 1844?—I do not think there were so many as within the last three or four years.

2457. Outrages occurred in those years?—Certainly; and the criminal business was very considerable; in 1838 and 1839, and from that time down to a recent period, I have had as many as 80 and 90 numbers in one town, and I have had 150 numbers in a division, of Crown cases.

2458. Mr. *Fortescue.*] Not agrarian cases?—I mean altogether; what I call cases of an agrarian nature are only cases which come before me which I can so designate; suppose three

or

or four persons indicted for a riot, or for an assault, it appears in evidence that the persons engaged in that riot have been persons who evidenced by their acts previously that what they did was in concert; for example, suppose a person to be leaving a fair, three or four persons will watch him, or, as they call it, mark him; they are observed following that person from place to place; they are observed waiting for him until he leaves the town at a late hour; then they are traced following him, and he is beaten by those persons; that evidences some previous arrangement and pre-concert; with a perfect absence of all motive, no previous quarrel between the parties, no misunderstanding, and nothing to induce the act of the perpetrators, but either employed as the instruments of others, or actuated by motives in their own minds.

2459. All the important cases go to the assizes?—There are some very heavy cases sent to the sessions; at my last sessions there were several serious cases.

2460. Have those cases arisen out of dealings in land?—Many of them; some of them were quarrels between the parties with respect to rights of way and possessions disputed.

2461. Have you had an increase in the number of ejectment cases, and civil bill cases for rent, in the county of Monaghan?—They have increased during the last five or six years.

2462. Can you give an idea of the number of cases which have been brought in the county within the last five years?—Within the last five years I could not state exactly the number, but at my last sessions I think I had 120 cases of ejectment; at my previous sessions I think there was about the same number; I should say probably 400 or 500 ejectments in a year.

2463. How many cases of civil bills?—They were very numerous, and I have had as many as 2,000 or 3,000 at one sessions.

2464. Have they increased very much within the last five years?—No, they have diminished within the last two years.

2465. Have there been more within the last three years than there were 10 years ago?—The increase of civil bills, according to my recollection, commenced about the year 1838 or 1840; there was a period of two years when they were not so numerous; and then they increased again; in point of fact, the number of civil bills arises from the inability of the people to pay their debts; and it depends very much on the credit which has been given in the country; so soon as any circumstance arises to check that credit, the number of civil bills diminish in proportion; but the civil bills are entirely for

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for the enforcement of civil contracts and obligations, or the redress for civil injuries.

2466. Mr. *Goold.*] Money due for rent?—Yes.

2467. Mr. *Scully.*] Has the number of ejectments increased since 1846?—I think so.

2468. Can you give any idea of the number of persons who have been served with ejectments in the county?—I cannot tell you the number who have been served, but I can give an accurate return of the number of cases which came before me.

2469. Were there many ejectment cases tried in those districts which are now proclaimed?—There were two estates upon which there were a great number of ejectments. I should say the principal number of ejectments in the county were upon two estates in the barony of Farney, one half of the barony of Farney belonging to Lord Bath, and the other half to Mr. Shirley; and on those estates, undoubtedly, the greater number of the ejectments in the county were brought.

2470. Do you know whether the commencement of those disturbances arose in those baronies?—A very considerable proportion of the criminal business of one division comes from that barony.

2471. In those baronies have more outrages occurred than have occurred in other districts?—I think so. In fact, I mentioned before, that the counties are divided into divisions; there is the division of Castleblaney, and there is always a vast deal more criminal business in that division than in the other division.

2472. Mr. *Goold.*] Do you know what was the extent of the holdings and amount of rent where the ejectments were brought?—The ejectments specified the amount of rent, but not the extent of the holdings. The holdings are very small.

2473. Do you suppose that they are so small as to be rated under 4 *l.* to the poor rate?—I should say that many must be under 4 *l.*

2474. Is it not the case that in all holdings which are rated under 4 *l.* the occupier does not pay the rate, but the landlord?—Yes.

2475. In a case where there is a vast number of small holdings, where the occupier pays no rent, and is not liable to rates, has the landlord there not only to pay the rates for him, but to forgive him the rent?—Certainly; and the proprietor of one of those estates pays the passage of a tenant to America, gives him a sum of money on his arrival there, and remits all the rent, in order to have possession quietly.

2476. Mr. *Scully.*] Has he done that to any great extent?—I believe

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—I believe to a considerable extent. There were a great number of ejectments brought on the estate to which I refer. The ejectments were brought for nonpayment of rent. The Committee are aware that it is only by a recent Act of Parliament that an ejectment for nonpayment of rent can be brought, except on a lease or an instrument. An ejectment can now be brought for nonpayment of rent, where the holding is from year to year, where the year's rent is due. I took some pains, with the object of communicating to the authorities, to ascertain the class of persons, and the amount of their rent, against whom ejectments were brought. I ascertained that in the majority of cases there were four or five years' rent due, and sometimes more. I believe there were seven years' rent due in several instances. When I came to inquire how it was, it was stated that the holdings were very small, as in truth they were very small, and that the rent was not worth looking after, as the occupiers were paupers. As the law stood before, they could not evict for nonpayment of rent directly, but there must be a notice to quit, and then frequently there were difficulties; and the landlord was turned round very often, by his inability to prove the commencement of the tenancy or the service of the notice to quit.

2477. If the practice were carried out of giving tenants money, and paying their passage to America, where would be the necessity for so many ejectments?—I do not know, and that surprised me; there was a printed paper produced on a trial, which the Committee could have, stating the readiness of the owners of the estate to remit all the rent if possession was given.

2478. Were those cases different or separate from the cases where the ejectments were brought?—The ejectments were brought in all cases. It was produced in evidence, in consequence of an observation of mine from the bench; I asked, "Why do you proceed in this way, when the tenement is so very small?" They complained of my observation, it was an observation made in favour of the people, and they said, "We have no other remedy, because we cannot induce the people to avail themselves of an offer which would dispense with all these proceedings."

2479. Was that offer made by other proprietors?—Of my own knowledge, I only know of it being made in one case. It came before me judicially.

2480. Mr. *O'Flaherty.*] Did the offer include the payment of the passage of the family, as well as the individual?—I think either a certain sum was given or the passage was paid for

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for the family, and there was a small sum to be handed over on their arrival in America.

2481. Mr. *Scully.*] Have you any idea of what would be the sum per head when the family arrived on the shores of America?—I should say it would be very small, if there was a numerous family.

2482. Mr. *Goold.*] Under the existing law, can the landlord distrain growing crops?—He may seize them, but he cannot sell them.

2483. An execution creditor can seize and sell them?—Yes, an execution creditor sells them on the ground.

2484. So far, then, an execution creditor has an advantage over the landlord?—Certainly.

2485. And therefore it must be the landlord's object to put himself in the position of an execution creditor?—Certainly.

2486. Do you think that would account for the increase in the number of civil bills for rent due?—Yes, because it has been held that a civil bill decree is an execution.

2487. Mr. *Leslie.*] One question with regard to Lord Bath's estate; when the offer was made to which you have referred, are you not aware that a great many persons refused to take the benefit of the offer?—It was so stated in answer to my observation with reference to the people. I believe I said that I thought the proceeding appeared harsh, imposing so much costs on the tenant, and I was told that it was not at all so.

2488. Mr. *Scully.*] Are the other districts in the county of Monaghan, besides those which have been proclaimed, perfectly quiet at present?—Half of the division of Monaghan is perfectly quiet, as far as my observation goes. It is only in the districts which have been proclaimed from the necessity of applying all the power which the Government possesses, which, as I have mentioned before, was applied with the utmost anxiety for the protection of the well disposed, and the punishment of the ill disposed.

2489. With respect to the class of persons whom you would take as jurors, you think that 12*l.* rating would give a sufficiently respectable class?—What I said was, that that would be a matter founded upon returns. I take a higher class, because it so exists in England: under the 6th of George the Fourth it is a 20*l.* rating.

2490. Do you think that the holding of a person rated at 12*l.* a year in Ireland, under the poor-law rating, is worth more than 12*l.* per annum?—I am quite sure that a better class of persons are rated at 12*l.* a year than were registered under the old law at 10*l.*, because, as the law existed before, it was not

a 10*l.*

a 10*l.* value, but the voter must come up and swear that his tenement was worth 10*l.* over and above the rent which he paid; therefore a man rated at 10*l.* a year must be prepared to swear, under the old system, that his premises were worth, to a solvent tenant, 20*l.* a year, but that qualification depended on the oath of the claimant.

2491. Are you aware that in one large county in Ireland, the county of Mayo, the number of rated occupiers hardly exceeds 1,000?—Yes; I believe about 1,500.

2492. Do you think that in that case it would be well to raise the qualification of a juror to 20*l.*?—That depends on the return. In Mayo the proportion of electors is not a third of Monaghan.

2493. Would not your suggestion act rather badly in the county of Mayo?—My suggestion does not apply to every county; I only offer it from my own knowledge, and I have no knowledge of the state of Mayo. My proposition is applicable to that which I have knowledge of myself.

2494. You do not mean to extend that suggestion to other parts of Ireland, but you confine it to Monaghan?—It would depend on returns whether 10*l.* or 15*l.* would be the proper amount; and before a sum was arbitrarily fixed on, returns would be required. I only take 20*l.* because in the 6th Geo. 4 it is taken at 20*l.*

2495. With respect to barony collectors, can you suggest any mode of changing the mode of selecting them?—I would sweep them away altogether, as far as regards the selection of jurors; I would dispense with their services.

2496. Would you change the mode of appointing them?—They collect the county cess; the barony cess collectors are appointed by the grand jury, and the appointment is in the grand jury.

2497. You could not change that mode of appointment?—I am not competent to speak on that subject.

2498. With respect to the formation of juries, would you recommend any alteration in the mode of striking the juries for the trial of prisoners; would you recommend any such change as ballot for the jury list?—I should suggest the ballot in criminal cases as well as civil.

2499. You would think that would be an improvement?—I think it would.

2500. Mr. *Hatchell.*] Would you not leave the right of challenge?—Certainly, the right of challenge to the prisoner, and the right of objection to the Crown.

2501. Mr. *Scully.*] You would extend it to civil and criminal

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criminal cases?—I should do it in both cases, because, according to the proposition which I suggest, I would have one list for both.

2502. Mr. *Hatchell.*] You would ballot for both?—Yes. My suggestion is, that no distinction shall be made.

2503. Mr. *Scully.*] With respect to the publicans in the county of Monaghan, are they generally composed of a respectable class of men?—I should say they are, so far as I know. They come before the magistrates in applying for licences. As the law exists now, before a person can be a publican for the sale of spirits, he must have a licence for the sale of spirits from the justices at quarter sessions. The justices examine into his claims. Of course every precaution is taken that they shall be a respectable class of persons. Those are persons whom I should except, not so much from any objection to them, but because I know they make objections themselves.

2504. Are you aware of any cases in which they have been connected with outrages or murders?—Not of my own knowledge.

2505. Would you suggest any new mode of putting restrictions upon the licensing of publicans, and upon the mode of controlling them?—The magistrates have great powers as the law exists. If a case of the description is made out which you suggest, it is competent for the justices to take away a licence at once.

2506. Then you would not suggest any alteration in the law?—No, it is not a matter that I have thought of.

2507. They come before you at quarter sessions?—Yes; the magistrates at quarter sessions are empowered by law to grant licences; they apply for licences at the quarter sessions, and the magistrates consider their claims. I have known them very frequently refused. I have known a magistrate turn round and say, "I know that man not to be a proper person to have a licence." The man comes up on the table, and the objection which is made is inquired into by the justices. They frequently reject him; and sometimes admit him even after the objection is made.

2508. Then you do not believe they are generally very improper persons?—I think not.

2509. You would not say that every publican is more or less connected with a Ribbon lodge?—I should say not, certainly, as far as my knowledge goes.

2510. Mr. *Hatchell.*] Recalling your attention to what you said with respect to the panel in the Crown Court, and with reference to juries being balloted for, you are aware that at present

present the practice of the Crown Court is this: suppose a capital case, or an important case in the Crown Court, the prisoner is put on trial, and put to his challenge; and the practice is to call over the whole panel, and those who answer constitute the panel from which the jurors are to be taken. The prisoner under those circumstances, when coming to challenge, you are aware from your great experience, looks to the whole state of the panel as they have answered, with a view of regulating his challenges; and although he might object to a man on the panel as a person whom he would not wish to have on his jury, still having reference to those who are subsequently on the panel who would be more objectionable, he would be disposed to let that man remain, or *vice versâ*; if there were less objectionable men lower down the panel, he would determine to challenge that man in preference to challenging others who were lower down, he being limited to the number of 20. You are aware of that?—Yes.

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2511. And a great deal in the challenging of a jury in serious cases depends on the tact or knowledge of the solicitor who is concerned?—Yes, on his adroitness and his knowledge of the panel.

2512. If the Crown was bound to state its objection to the prisoner challenging as the jurors were drawn on the ballot, do not you see that that provident arrangement in the mind of the challenging party could not be exercised?—Yes.

2513. He would not know the state of the entire panel, and a prisoner might, in point of fact, be then playing a game of chance, without knowing with certainty; and after his twenty men were exhausted, some very objectionable man might be drawn whom you would not have the power to challenge; whereas, if he had known beforehand that such a man was to be drawn, he would prefer letting some other man remain without challenge?—Certainly.

2514. That would create difficulty, and impose hardship upon a prisoner?—No doubt.

2515. Does anything suggest itself to your mind which would meet that difficulty?—With respect to balloting in criminal cases, I do not profess to have made up my mind; and the case you present to me offers an additional matter for doubt. The panel, as it now exists, consists of a certain number of persons; every name on the panel is known to the solicitor of the prisoner; he looks over the panel, and he sees that at a particular name his number of challenges will be exhausted if he takes this man; but if he comes to a man lower down, that man must be on; therefore he will not

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challenge, but will let the man be on. That case would arise.

2516. Mr. *O'Flaherty.*] Would not that be obviated by the law as it stands, the prisoner having the power of challenging twenty peremptorily, and as many others as he can show cause for challenging?—That is an advantage to the prisoner, which he should not be deprived of.

2517. Are you the Crown prosecutor on the circuit?—No.

2518. Then you know nothing of the coroner's court, or of the effect of it?—The coroner's court has nothing to do with Crown prosecutions.

2519. But it has to do with the preliminary part of a case of murder?—A party may be indicted upon the inquest.

2520. What is your experience as to the mode of conducting coroners' inquests?—It is very unsatisfactory.

2521. You think, from your knowledge of criminal law, that the coroner's court, as at present constituted, is extremely unsatisfactory?—Yes.

2522. And that it requires considerable alteration?—I should say so.

2523. *Chairman.*] You have stated that the Attorney-general could enter a suggestion on the record, for the purpose of having a trial in an adjoining county?—Yes; but I said that with great deference.

2524. You do not mean to say that he could do it at his own discretion?—No; what I meant to say was, that it could be done with the permission of the Court of Queen's Bench.

2525. And that that must be by special application?—Yes.

2526. And it may end in a contested motion?—Yes; the very case which has been mentioned occurred in The King *v.* Gray.

2527. And the application was refused?—Yes.

2528. Mr. *Solicitor-General for Ireland.*] Do not you think that the proposal in certain cases, by leave of the Court of Queen's Bench, upon equitable conditions, of having a trial of the kind which has been suggested in another county, would be a very moderate proposal as compared with the enactment of a Coercion Bill for Ireland?—If you compare measures, I should say that it would.

2529. Mr. *Goold.*] You seem to be in favour of a change of venue?—I think so, under certain restraints.

2530. Do you ground your opinion in favour of a change of venue upon such a case as that of Mr. Bateson's murder?—Yes, I should say that was a case in which it might be exercised.

2531. That

2531. That you say was a murder committed by three persons, in which the public in general were not concerned?—That is my impression; I only state it as a general opinion formed on the grounds I have stated. Undoubtedly that is one of the class of cases in which the public feeling and the public sympathy was more or less engaged; and I should say that a case of that kind is a case in which the Attorney-general might properly exercise the discretion to which I have referred. *J. Major*, Esq. 3 May 1852.

2532. Supposing a party to be removed from Louth to Dublin, and tried and convicted, do you think the impression in the county of Louth would be that he had had a fair trial, or otherwise?—I think the impression among a certain class would be that he had not had a fair trial; and that is the reason I have mentioned that only in extreme cases should the power be exercised, and in a case where the county was proclaimed.

2533. In cases where you would feel yourself bound to show that every effort had been made to carry out the ordinary powers of the law?—Yes, and in cases where the county had been proclaimed.

Martis, 4° die Maii, 1852.

MEMBERS PRESENT.

Mr. Solicitor-General for Ireland.	Mr. Hatchell.
Mr. Henry Drummond.	Sir William Somerville.
Mr. O'Flaherty.	Lord Naas.
Mr. Bright.	Sir J. E. Tennent.
Mr. Scully.	Mr. Fortescue.
Mr. Goold.	Mr. Keogh.
Mr. Leslie.	Mr. Baines.
	Sir John Young.

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

James Major, Esq., called in; and further Examined

2534. Mr. *Baines.*] THE cess collectors are also called baronial constables?—Yes; I am not sure that they are entitled to be so called, nor do I know why they are so called. Cess collectors is their proper designation. *J. Major*, Esq. 4 May 1852.

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2535. The term cess collector would designate, more properly, their duty?—Yes.

2536. You were understood yesterday, to state that the construction of the jury list depended practically upon the cess collector, and upon the manner in which he discharged his duty?—I should say altogether.

2537. And the subsequent checks, or what were intended as subsequent checks in petty sessions, and ultimately the grand jury, would seem to be worth little or nothing?—Yes.

2538. The cess collector, you were understood to state, was appointed by the grand jury?—Yes.

2539. Is he required to have any particular qualification, pecuniary or otherwise?—No, I believe not; there are two sureties for his properly accounting for such moneys as he shall receive as cess collector. His duties, in connexion with the county, are simply the collection of the county cess; the county cess is a rate which is imposed by presentment of the grand jury, for the fiscal purposes of the county. In Ireland all the public roads are made by the counties; and we have no turnpike roads, as there are in this country.

2540. The grand jury in Ireland does that kind of business which is done at quarter sessions in England on finance days?—Yes; that is one of the duties of the grand jury in Ireland, and it is a very important duty. As the law now exists, the grand jury is summoned to attend at the assize town two days before the Judge comes into the town; those two days are devoted exclusively to fiscal business. The Judge expects, on coming into the town, before he opens the commission, that they have disposed of all their fiscal business; and the first question he asks is, whether they have or not disposed of their fiscal business. If they have not disposed of their fiscal business, he charges them in the ordinary way, apprising them of the nature of the offences they will have to consider; and then they return to their private room to dispose of the fiscal business.

2541. Before they begin to discharge the other business?—Yes; the bills are prepared by the Crown solicitor; and so soon as the bills are prepared, they are sent up to the grand jury; but they are required by law to finish the fiscal business before they enter upon the duty of finding bills.

2542. If the fiscal business is unusually heavy, or if questions arise upon which there is great discussion, may the criminal business be suspended almost indefinitely, until the fiscal business is finished?—It might, but in practice I have never

never known it. I am in the habit of going the north-west circuit professionally as counsel, and I have never known any inconvenience practically result from it; but certainly there is a possibility that the finding the bills might be postponed by the fiscal business not being terminated. There is a class of fiscal business which they might take up afterwards; for example, as I mentioned yesterday, a disputed presentment would require longer and further consideration than the time previous to the opening of the commission would admit of; that is subsequently taken up by the grand jury at some convenient period after they have found a certain number of bills. It is then entered into again, in open court. The grand jury, of course, dispose of the criminal business in private, at least so far in private that no person but the witnesses and the grand jury are present in the grand jury room. The fiscal business is conducted in open court.

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2543. Is that by Act of Parliament?—Yes; and parties are entitled to appear, if they choose, before the grand jury by attorney and counsel; and the inquiry may be taken up, and is frequently taken up, during the business of the assize.

2544. Returning to the cess collectors, you stated that they gave security; is that security merely for the proper discharge of their duties as cess collectors, or for the faithful discharge of their duties as summoners of jurors and the makers out of jury lists?—Simply for the discharge of their duties as cess collectors.

2545. There is no opportunity of compelling them practically to discharge their duties as framers of the jury lists?—None whatever.

2546. Are there any pecuniary or other qualifications for the office of a cess collector, or is it given as a matter of patronage?—It is generally exercised as a matter of patronage by influential gentlemen in the county.

2547. You were understood yesterday to state that the duties are performed in such a way, that sometimes a list consists in two-thirds of persons who have no business to be on the lists?—I should say so; I cannot state the exact number, but judging from the class of jurors who come before me at quarter sessions, I should say that in very few cases are they persons, from their position in society, coming directly within the qualifications specified by the Act.

2548. And a great number omitted who ought to be there?—A great many I should say unintentionally omitted.

2549. There is no direct check either on the insertion of an improper name or on the omission of a proper one?—There

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is no check whatever, except the check which the law affords at what may be called the revision sessions.

2550. And that, you are understood to say, is little or nothing?—Yes, because, in the event of an objection, or of a desire to put a juror on the list who has been omitted, the Act of Parliament requires that notice shall be served, and there is no person upon whom that duty is imposed by the Act of Parliament.

2551. In this country, as you are probably aware, when a jury list is made out, under Sir Robert Peel's Act, it is posted on the door of every church and chapel and place of worship?—I am aware of that.

2552. Is there any provision of that kind in your Jury Act?—Yes; the list which is so prepared by the cess collector is required to be posted, so as to enable all persons to know whether their names have been inserted; that is the only publicity they receive. The first proceeding is a precept from the clerk of the peace, directed to each cess collector of each respective barony. So soon as the cess collector has made his list it is posted, and then, if any person has a fancy to be on the jury whose name is omitted, it is competent to him to have it rectified, if he pleases, at the sessions.

2553. By your law is that list to be posted on the door of every place for religious worship, whether Catholic, Protestant, or any other denomination?—I am not quite sure, but it receives a certain publicity; I rather think it is posted at the police stations; I am not sure that I am correct.

2554. And also on the doors of places of worship?—Yes.

2555. Then that is the only means which persons qualified to be jurors have of knowing whether their names are on the list or not?—Yes. I may mention that I have no recollection of any person applying to be put on the jury list, because, in fact, they would all wish to be off it in Ireland. If any individual in the community is desirous of excluding a juror from the list, he must give that juror notice; and there is no person upon whom that duty is imposed.

2556. You suggested taking the revised list of voters for the purpose of forming the jury list?—Yes.

2557. So that any person who was rated above a particular amount would know that he was *ipso facto* on the jury list; because you would make the same list, in point of fact, serve for the purpose of election and the purpose of the jury?—Yes. When I stated 20*l.*, of course I did not mean that that should be the sum; I mentioned it as approximating as near as possible to the right sum; but so

soon

soon as the list which I suggested yesterday was adopted, then any person who is rated above that sum which is determined on would be aware that he was a juror.

2558. You were understood to mention 20*l.* by way of illustration?—Merely. I have no means of knowing what would be the proper sum; I mentioned 20*l.* because it is 20*l.* in England.

2559. In counties it goes down to 12*l.*, and in boroughs to 8*l.*?—The electoral qualification in Ireland is a rating of 12*l.* in counties, and 8*l.* in boroughs and cities.

2560. Mr. *Solicitor-General for Ireland.*] That was irrespective of title?—Totally irrespective of title.

2561. Mr. *Goold.*] Would you abolish qualification by title, or would you add the 12*l.* qualification to the qualification by title already existing?—I would make the rating the sole qualification of a juror.

2562. Mr. *Baines.*] You were understood to say that instead of several alternative qualifications you would have one qualification?—Yes. I have considered the matter, and I have looked into the 6th of Geo. 4, and I find that it is 20*l.* rating amongst other qualifications.

2563. There are several qualifications there?—Yes; there are several others.

2564. Supposing you adopted your electoral list, would you in that way get any but occupiers; is that list composed of the names of others besides occupiers? Supposing a man is the owner of a property which is in the occupation of somebody else, would his name appear in that list?—No. If the rating is above 5*l.*, then every person in occupation is ratable; and if the rating is 4*l.* the landlord is rated as immediate lessor; but above 5*l.* it is the individual in occupation.

2565. And the landlord would not be rated?—The landlord would not be rated.

2566. Would you refer to the list from which the Electoral Register is made?—No, to the Electoral Register itself.

2567. So that you would have the benefit of the service of both owners and occupiers in that case?—Yes; both owners and occupiers.

2568. Sir *W. Somerville.*] Other than those rated?—Yes. Probably I misunderstood the question. I should have no qualification but the rating qualification. No person is rated unless he is in occupation; and if he is in occupation, whether he be the landlord or whether he be the tenant; for example, supposing a landlord has a house and domain he is rated,

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and he would come within my qualification, because he is an occupier; but if he has not a house and domain there he would not appear, as, for example, a landlord who is an absentee will not appear; but he would not be qualified to be a juror, because he does not reside in the county.

2569. Mr. *Goold.*] Would you not think a man whose estate is let entirely to tenants, even although he has not a residence on it, would be a fit man to be on the jury list?—He would be a very fit man, but I confess I would not have him on the jury list; he would not be resident in the county.

2570. Mr. *O'Flaherty.*] If he is an occupier within the county he is on the list?—Yes.

2571. Mr. *Baines.*] Suppose a single man who does not keep house, but lives in lodgings in a county town, being the owner of property worth 10,000 *l.* a year, or any other sum, that man according to your plan would not be on the jury list?—He would not be qualified, because he would not be rated.

2572. Upon consideration, you still adhere to the proposition of those rated, and would limit your jury list to them?—The common jury list, civil and criminal, I confine to the rate-payers.

2573. On account of the simplicity?—On account of the simplicity, and from a perfect conviction that you would have a very large supply of the most competent persons, probably, in the community to discharge that duty.

2574. Taking your own county, Monaghan, what would be the number of names in your jury book, supposing it to be formed in the way you have now mentioned, and supposing also the qualification to be a rating of 20 *l.* a year?—I cannot exactly give the number. The number at present on the revised list, that is, after it has passed the examination of the assistant barrister in the county of Monaghan, is 4,119.

2575. Is that at a rating of 20 *l.*, and above?—Altogether above 12 *l.*, and upwards.

2576. Sir *W. Somerville.*] Including other qualifications?—Merely the rating qualification. The question I understood was, what was the number of names on the revised list of electors.

2577. I asked whether that list did not contain the names of persons whose qualification was other than the rating qualification?—Yes; the old qualifications consisted of freeholds as well as leaseholds.

2578. You said that 4,000 and odd were electors rated at and above 12 *l.*?—I meant to convey that all the persons rated

rated at 12 *l.* and upwards were included in that list; but there is another qualification for the electoral franchise of a freehold nature; for example, under the 3d & 4th Will. 4, an Act which was repealed by the 14th and 15th Vict., the qualification consisted of freeholds and leaseholds, all qualifications not requiring occupancy, are preserved. A person who had freehold estate of 50 *l.* a year was entitled to register in one particular way; that is, he had merely to make an affidavit before the Judges that he had that qualification, and there was no inquiry whatever into his title; he had merely to tender his affidavit to the Judges in the superior courts, or at the assizes, and then the affidavit so made by him was handed in to the quarter sessions for registration. The assistant barrister sitting in the revising court had no power to inquire into his title; he had merely to receive his affidavit so made, and he was at once put on the list; the qualification still remains, his qualification is reserved, and his name will appear on the revised list, if he applies by notice to have it put on.

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2579. Mr. *Baines.*] Supposing your suggestion of a rating qualification of 20 *l.* to be adopted, how many, according to the list in Monaghan, would there be of that description on the list available for the purpose of a jury?—A very large number. I should have brought the book with me, but it is so very large; I threw my eye over the book, I took a page here and a page there, and I found on each page nearly one-half over 20 *l.*

2580. You say altogether it is above 4,000?—Yes.

2581. Then there will be about 2,000?—Yes, I think about 2,000, or near it, including freeholds and leaseholds.

2582. How many have you now returned to you on your jury list by these cess collectors?—I never see the jury list.

2583. Do you happen to know how many there are?—No, I have no means of knowing it; it never comes before me in any form; and that is one of the advantages which by my suggestion would be acquired by the new system. The jury list which I have taken the liberty of suggesting, would be a jury list which would be open and returnable to the quarter sessions, to be ascertained and examined, and the numbers known. The Committee are aware, I have no doubt, that in England, and I believe by the law, a certain number of jurors are summoned for each assize and for each session; and I think it frequently occurs in England that the same persons will not be again required to attend for many sessions or assizes afterwards.

2584. A certificate

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2584. A certificate is give them?—Yes; I believe there is a certificate which exempts them. According to some returns which I have seen, it appeared that in some counties nearly five years elapsed before they were obliged to serve again.

2585. Have you nothing of that kind?—Nothing. That is one of the matters (of course I do not presume to offer the details of such a Bill) which I would suggest for consideration. Of course there is a vast number of details, which I could not presume to occupy the time of the Committee by suggesting.

2586. You are understood to state that according to the law at present, if a person serves at the last spring assizes for the county of Monaghan, there is nothing to prevent his being called upon to serve at the next summer assizes, and so on?—Nothing whatever; and it has occurred to myself—I speak more of sessions having judicial duties to perform—that these matters have come directly before me, and they come at every sessions. Jurors complain that they have been summoned sessions after sessions, and are obliged to attend.

2587. With regard to the serving of summonses, upon which you made an important suggestion yesterday, and favoured the Committee with your own practice in that respect, requiring that there should be no blank summonses issued, do you see any objection to a legislative provision, prohibiting the issuing of any summonses in blank, and requiring that they should be issued filled up?—None whatever; on the contrary, I should think it would be beneficial.

2588. Can you conceive any possible advantage in the issuing of blank summonses?—There is great disadvantage.

2589. And no possible advantage?—None in the world; on the contrary, it produces the result which I mentioned yesterday.

2590. With regard to the change of venue, will you state shortly what are the precise alterations in the law which you think advisable?—I think it right to state, that in giving the opinion I gave yesterday, with respect to the change of venue, I spoke of it only as a measure consequent, as it were, upon there being no change in the jury list. I am quite sure that if the jury lists were made perfect, and probably some other measures adopted, the right of changing the venue might be dispensed with. It is a power which I should be very slow in recommending the adoption of, although (as I stated yesterday) it is a power which is now in the Attorney-general, and, in fact, in the subject by the course which I mentioned, with the assent of the Court.

2591. That

2591. That is, by applying to the Court of Queen's Bench?—Yes. There are several cases reported, and the course which is taken I believe is this: the proceeding, whatever it may be, is removed to the Court of Queen's Bench by *certiorari,* and being so removed it is competent either for the Crown or for the subject to apply to the Court of Queen's Bench for liberty to enter a suggestion on the record, and by that suggestion to suggest the trial of the case by a special jury in an adjoining county. That I believe exists both in the Crown and in the subject at the present moment.

2592. The ultimate decision, whether it shall be so removed or not, is with the Court of Queen's Bench?—Entirely; and even in the suggestion of changing the venue, I would leave it with the Court of Queen's Bench also. My suggestion for changing the venue was merely, that that which may be done now indirectly, should be done directly. I do not seek to make any alteration in the law substantially as it now exists, but that that should be done by the Attorney-general taking upon himself the responsibility of applying to change the venue directly and openly, that the subject should have the same right, and also that the subject should have the right of resisting the change of venue.

2593. That it should be upon cause shown?—That it should be upon cause shown.

2594. Both parties being heard?—Yes.

2595. You said just now that you thought it was undesirable to have any alteration in that branch of the law if it could be avoided, and that the alteration should certainly not go beyond the necessity?—Certainly.

2596. You suggested that if an alteration were made in the jury list, there were certain other alterations which you thought might dispense with an alteration in the law of venue altogether. What are the alterations you contemplated?—I should say probably some more stringent measures, which could be made applicable to the state of circumstances. I can understand that cases may arise, such as have already arisen, where a local law, as I may call it, might be made applicable to a particular district, and where by no other means could you reach the evil which exists within that district; I may illustrate what I have mentioned by taking, for example, the Ribbon system which exists in Ireland at the present moment. I am not aware of any existing provision which can reach that confederacy effectually. That it exists to a great extent is beyond all doubt or question in a district with which the Committee are familiar, and which I mentioned

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I mentioned yesterday, in the particular division of the county of which I am chairman. I believe all the power and all the executive authority which the Government had, was placed at the disposal of the lord lieutenant of the county; and every desire, as I have reason to know myself, was evinced on the part of Lord Clarendon to meet the evil in every possible way, and by every means of law which could be applied. Of that I have personal knowledge myself, and yet I believe it was found that with all the powers of Government he could not effectually reach the evil. There is an Act of Parliament which enables the Lord Lieutenant to proclaim counties, and it was put in force in the particular district to which I refer; but it has been perfectly abortive as far as my experience goes; I am not aware of any good resulting from it.

2597. What is the consequence of proclaiming a county?—The power which is given to the Lord Lieutenant is by a proclamation, which requires all persons within a certain time to give up and surrender their arms. There are two proclamations; the first proclamation prohibits persons in that district from exhibiting arms in public; and the second proclamation requires them to bring in their arms. The effect of that, as far as I have any information upon the subject, is that all the persons who are well disposed, and are possessed probably of arms for the protection of their families and their property, will obey the law and bring in their arms.

2598. Mr. *Hatchell.*] Or get them registered?—Yes; the law which prohibits arms being exhibited in public, and also prohibits persons keeping arms, gives a power to persons who are named by the Lord Lieutenant to license persons to have arms. Persons who have arms for protection bring them in or take their licences; but persons who are disposed to keep their arms for other purposes than those of protection, retain and conceal them. Arms may be sought for, but as for finding them, I believe there is no instance of any large number being found. As far as my experience of that law goes, I should say that it is perfectly abortive.

2599. Mr. *Baines.*] Does that Act of Parliament contain any provision with respect to the mode of conducting the trial of a person charged with an offence in the county?—I should say not.

2600. You stated just now that you thought there were certain other measures which might be adopted, and which, taken in connexion with an improvement in the mode of constructing the jury list, might supersede the necessity of any alteration

alteration in the law of venue. Will you have the goodness to proceed to state those suggestions?—In cases where the necessity existed, such as the case I referred to, in a particular part of the county of Monaghan, I should give an extended power of domiciliary visits to houses. There was an Act, which has expired many years, called in Ireland the Insurrection Act; I should not be disposed to suggest the re-enactment of that Act; it is an Act giving great and extraordinary powers, and it has been in particular districts in Ireland very efficiently and very effectively used; it has had the effect of perfectly quieting the district; but the powers which are given by that Act are so very unconstitutional, that I should be very slow to recommend its re-enactment, if other alterations were made in the law so as to make the law really what it should be, feared as well as respected, and also to induce persons to place confidence in its administration; some provision would be desirable in particular cases, under such circumstances, so long as that most dangerous conspiracy and confederacy exists (I mean the Ribbon conspiracy); and I think the executive should have some power of using it promptly, and a case might arise when it would be necessary to apply to Parliament to suspend the Habeas Corpus Act; but there should be some provision, the exact nature of which I am not prepared at present to suggest, with which the executive should be armed, which they could apply promptly and immediately to meet a state of circumstances such as existed in that part of the county of Monaghan.

2601. Mr. *Goold.*] In that particular case in a part of the county of Monaghan which you have described in a very strong way, with all the assistance the Government could give, the ends of justice were defeated?—I cannot say that the ends of justice were defeated.

2602. It failed to arrest the Ribbon system?—As yet there has been no result.

2603. Supposing that in that case, owing to the formation of the jury list in the way you suggest, there had been a single panel, and that all the men of distinction and property in the country had been at the head of the panel, and that the jury had been selected from that class in the first instance, and that convictions had been obtained, do you think it would have had a good result?—I think it would; I think that convictions properly obtained, and satisfactory in their nature, would have had a good result.

2604. Seeing that the gentlemen of the county did their duty and attended as jurors?—Yes.

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2605. Do you think that would have had a more beneficial effect than the application of the Insurrection Act, for instance?—I think it would, if persons who are likely to offend the law were aware that there was such a jury list. The Committee will recollect that although there is a power now, by the proceeding before referred to, to have a special jury, still the public are not aware that that power exists; and I have no doubt that in many cases crime is induced by a species of confidence in the present constitution of the jury list, and a species of protection from conviction.

2606. Mr. *Baines.*] Is it considered more of a lottery?—Yes; the parties who are about to commit crime act on a speculation that they will escape, and that speculation is founded, as I conceive, upon the present constitution of the jury list.

2607. Mr. *Goold.*] Would not that evil be remedied by the alterations which you propose?—Yes.

2608. Mr. *Baines.*] Is there any other practical suggestion which you can make for the improvement of the law, so as to couple it with the improvement in the jury list, and make it as complete as we can hope to make it?—Nothing in reference to any particular class of crime that I am aware of.

2609. *Chairman.*] Do you remember the terms of the clause in the Act of Parliament which made it a substantive offence for parties knowingly to have in their possession, without being able to account for the same, secret signs and pass-words?—Yes.

2610. Do you think that was a valuable and important portion of the Act of Parliament?—Yes, so long as the Ribbon confederacy are united by these papers and signs.

2611. Probably on your own circuit you remember prosecutions under that clause?—I do.

2612. And that the terms of the clause gave considerable facilities in the proof of Ribbon offences?—Certainly.

2613. You are aware that that clause was subsequently repealed?—Yes.

2614. And that at present, under the law as it now stands, it is repealed?—Yes.

2615. Supposing that it is repealed at present, would you consider it a desirable amendment of the law to have the original clause restored?—Most undoubtedly.

2616. Then would you add that as a practical suggestion to what you have already suggested with regard to the jury list?—Yes.

2617. You were understood to state that you thought some special

special power ought to be given to the executive Government?—Yes. *J. Major, Esq.*

2618. Has it come under your observation that agrarian offences are very common during the winter season?—They are very much more common in the winter season than in the summer season. 4 May 1852.

2619. During a time at which there would be no power of making any application to Parliament?—Yes.

2620. And the season of peace would have returned by the time Parliament had duly assembled?—Yes.

2621. During the period when these outrages are common, do you think it would be desirable, under peculiar circumstances, that there should be some slumbering power in the executive?—I should be disposed to suggest it, because it is right to state to the Committee, that so far as my observation goes, I think it is a misconception to suppose that every man in the community are confederated and combined as Ribbonmen. There is a portion of the community who are clearly so united; there are many who are supposed to be members who are so, being quiescent from fear, and because they are quiescent they are supposed to be members of the Ribbon Association. I have no doubt that a number of persons are supposed to be so, merely because they do not take a part either in identifying the offenders, or in some other way give their assistance in the detection of the offenders.

2622. Do you think that considerable numbers are brought under its influence, who, if they were firmly protected by the law, and had confidence in the perpetual protection of the law, would be free from it?—I have no doubt of it.

2623. Do you think it very important for a large portion of the lower classes of people to have a firm, and constant, and steady protection of the law?—I should say so. The suggestion which I make is not alone that that law should be one of punishment, but in truth it should be one of protection and prevention.

2624. Are there a large number of others circumstanced in such a way that it would be very difficult for them to resist the intimidation system?—It would be very difficult I should say. The Committee can conceive families scattered over a very extensive district of country, a murder committed in the immediate vicinity of the place: it is scarcely to be expected that those persons are to rush out and arrest the murderer; and yet if they do not, it is imputed that they are more or less connected with the confederacy. The feeling of apprehension would prevent them.

2625. Every

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2625. Every measure which would conduce to anything like certainty or reasonable probability of conviction for crime is a positive good to those classes of people?—I should say so.

2626. Mr. *H. Drummond.*] You stated that the uncertainty of conviction, arising out of the composition of the jury lists, was one great cause of people committing crime?—To a certain extent, but not a great cause of their committing crime. Persons who are disposed to commit crime would have more confidence in committing it, if they had a confidence of escape.

2627. How does that apply to instances which have been mentioned, where the orders to commit the crimes came from a great distance, and strangers were brought from a great distance to commit them?—The same inducement will exist in every part of Ireland. Whether a man resides in Kerry or in Londonderry, the jury system being the same, the same feeling will exist in his mind in Kerry or in Cork which exists in his mind in Londonderry, if it has any influence.

2628. You do not suppose that any of the remedies which you have suggested would have more than a temporary application?—I should hope they would have a permanent application. A temporary result from change, except in particular districts where there was an existence of crime to a great extent, would be a very unsatisfactory result with reference to the jury system. Unless the jury system should be productive of general and permanent benefit, I should say that the change of it would be of very little benefit.

2629. Mr. *Solicitor-General for Ireland.*] You have stated that crimes were committed on a speculation of escaping punishment by the present jury system, and you have stated that you would give the power of making domiciliary visits; and you also explained the limitations with which you would suggest the change in the venue; do you mean to say that you would give both or one, and if one were given, for example, a change of venue under certain circumstances, would you hold that to be sufficient?—I should say that a change of venue would not be enough to meet the evil. The case I put is an extreme case. I say domiciliary visits, because one of the provisions in the Insurrection Act is of that nature.

2630. And that is irrespective of other alterations, such as an application in certain cases to change the venue?—Yes. The Committee may not be aware that amongst other provisions in the Insurrection Act, the trial by jury is taken away, although a discretion to have a jury is given to the Court.

Court. When the Insurrection Act is applied to particular districts, it is taken away, except in particular cases. The Court, under the Insurrection Act, is constituted of one serjeant or Queen's counsel, and the chairman of quarter sessions of the particular county where the Act is put into operation. I would only take from the Act certain provisions to be applied under the peculiar circumstances that I have mentioned, to particular counties, and I should say in very extreme cases.

2631. When you spoke of giving the Court of Queen's Bench that power directly which now can be exercised circuitously, do you mean the power which is now exercised, with the addition that they should have authority to impose such equitable conditions in favour of the prisoner's witnesses, that is, the expense of removing them to another court, as to the Court should seem fit?—Yes; I should give a general power to the Court of Queen's Bench, upon the application of the Attorney-general, upon such terms as the Court chose to impose.

2632. So that no positive injury should accrue to the accused?—Yes.

2633. Mr. *Hatchell.*] Those were the provisions of the Coercion Act?—Yes.

2634. With respect to the suggestion about the change of venue, and the application to the Court of Queen's Bench, would it not be further necessary to give a Judge in chambers the power to do it?—I should say so.

2635. For this reason, that an offence may be committed after term and before the summer assizes?—Yes; when I named the court, I did not go into the particular details, but it would be necessary to give power to a Judge in chambers in the case you have mentioned.

2636. Is not one of the great causes of the failure of justice, the difficulty of getting witnesses to depose on the part of the prosecution?—I have no doubt of it; there is a great indisposition on the part of persons to come forward and give evidence.

2637. Has it been known that persons have either actually seen a murder committed or about to be committed, and have gone away from the scene to prevent their being witnesses?—Yes.

2638. Does anything suggest itself to you upon that subject?—In the case I have just referred to, I have understood that persons are influenced from real apprehension and fear of the consequences. Taking, for example, a district which may contain a population probably of two or three thousand, I have

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no doubt that the district might be kept in perfect subjection by a hundred Ribbonmen; and for the simple reason that people go over at night, visit houses, and attack families when they have no means of uniting for the purpose of resistance, and they thus create such alarm that witnesses cannot be induced to come forward; and I am satisfied that in a great number of cases persons are indisposed to come forward from apprehension, and from apprehension alone, and not from indisposition to give evidence.

2639. Considering the circumstances of the Ribbon confederacy, can you suggest anything for meeting the evil?—The only way to meet it would be to make it an offence; and I am not sure that it is not an offence at the present moment, for a person not interfering to stand by and see a murder committed. I should be disposed to say that there should be a provision to meet a case of that kind, and to make it an offence, if not so already, to look on, although not engaged in the perpetration of the murder.

2640. Mr. *Keogh*.] Do you know much of the proprietors in the disturbed district?—Yes, as they come before me at the quarter sessions.

2641. You know the portion of the county of Monaghan where these crimes have occurred?—Yes.

2642. Do you know how lands are let in that part of the country?—The only answer I can give to that question is this: at the period when the registration came before me as assistant barrister, it was necessary to establish a voter's right by showing that he had 10*l*. a year over and above his rent. It appeared to me that the lands were highly let. I speak in reference to parts of the country with which I am acquainted.

2643. Do you know whether there have been a vast number of ejectments in a portion of your county?—A great number.

2644. Of late years?—Yes.

2645. Do you consider that those ejectments have been instrumental in exciting the people to the commission of crime?—I do not know how that may be; but all the ejectments which have been brought before me have been, generally, for nonpayment of rent. There are comparatively very few cases in which ejectments are brought for anything but nonpayment of rent. It is very rarely indeed that the landlord interferes, if his rent is paid; and I took some pains, as I mentioned yesterday, to ascertain at a sessions which I held at Carrickmacross last January, and I found that in all the cases of ejectment brought before me the smallest arrear was two years' rent,

rent, and many of them up to seven and eight years' rent; but certainly not one, I should say, where there was only one year's rent due.

2646. That rent was collected upon what you call a very high scale?—Yes; and they were small holdings.

2647. Mr. *Solicitor-General for Ireland.*] Are you quite sure they were calculated at a high scale?—I am only stating my opinion. The rents appeared to me to be high, in proportion to the real value of the land. It is about two years ago; and there is a registration at each session.

2648. Sir *W. Somerville.*] Have you any notion what the average rent is per acre in the county of Monaghan?—I cannot state what is the average.

2649. What was the amount per acre of those rents which you considered high?—I think about 30*s.* an acre, that is, the Irish acre, and the Irish acre is very much larger than the English acre. That does not extend to all the country. There are many portions of the country in which I believe the rents are very moderate indeed.

2650. Mr. *O'Flaherty.*] What is the quality of the land?—I have no means of knowing.

2651. Mr. *Keogh.*] Do you recollect it being proved before you at quarter sessions that the present Lord Cremorne, when he came into possession of his estate, felt himself called upon to reduce his rents very nearly one half?—I do, perfectly. When Lord Cremorne came of age, he was desirous of registering a certain number of freeholders. At that time, as the law stood, as I mentioned yesterday, a tenant who came to register must be able to swear that his farm was worth 10*l.* a year to him, over and above the rent that he pays; that is, that it was worth 10*l.* a year to a solvent tenant; in other words, as I mentioned yesterday, that where a tenant was bound by covenant to pay 10*l.* a year, the land should in point of fact be really worth 20*l.* a year to the landlord; and on that occasion Lord Cremorne, to qualify his voters, reduced the rent 10*l.* a year on the holdings in a great number of cases.

2652. Mr. *Solicitor-General for Ireland.*] Would you say that for good land, not mountain or bog, 30*s.* an Irish acre, or about 20*s.* an acre, would be extravagant?—I should say not for good land; but the land I speak of at that rate is not the best land.

2653. Mr. *Hatchell.*] You have suggested that it might be beneficial, in support of a proclaimed district, to have the power of making domiciliary visits?—Yes.

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2654. In your experience has it occurred to you that many of the serious outrages which have been committed during the last five or six years in those districts have been all committed at mid-day?—They have.

2655. With respect to those offences, domiciliary visits would scarcely operate?—Yes, in this way: I am supposing now that the offence was an offence committed by a member of some family within that particular district, and committed in the daytime, as frequently occurs; if a power were given to enter the house of a party, and to inquire into the state of his family, in all probability it might operate efficiently. I would not confine that power to the night, but it should extend to any time of the day; and if they were not found at home, I would require them to account for their absence, in proclaimed districts.

Reverend *James M'Meel*, P. P., called in; and Examined.

Rev. *J. M'Meel*, P. P.

2656. Mr. *Keogh.*] ARE you a Roman-catholic clergyman at Castleblaney?—I am.

2657. You are the parish priest?—I am.

2658. Is your district an extensive one?—It is; the parish is six miles in length by three in width.

2659. Have you been long parish priest of that district?—Fourteen years.

2660. Is it within that district that the crimes which have been lately mentioned have occurred?—The murder of Mr. Bateson occurred in my own parish.

2661. Do you recollect a reward having been offered for the apprehension of the murderers of Mr. Bateson?—I do; I saw it on the police barrack and I saw it in the newspapers.

2662. Did you hear of persons having got up a subscription for the purpose of giving a reward, in addition to the Government reward, for the apprehension of the murderers?—I heard that some of the leading shopkeepers and persons living in Castleblaney had annexed certain small sums to their names as an additional reward.

2663. Did any person ever ask you to join in that subscription?—Never.

2664. Did you hear that any subscription was raised for the purpose of defending the persons who were accused of the murder of Mr. Bateson?—I heard, after the Special Commission was ordered or issued, that there was a collection for the defence of the prisoners, inasmuch as having applied to the Crown for legal advice, it was refused.

2665. Mr.

2665. Mr. *Baines.*] Do you say that having applied to the Crown for legal advice, it was refused?—They were refused legal aid.

2666. Mr. *Keogh.*] When you say they were refused legal aid, was that an application that counsel should be paid on their behalf, and brought down to the Special Commission?—Yes; the money which the solicitor got from the friends of the prisoners was not sufficient to bring a lawyer down to Monaghan to defend them, and the solicitor applied to the Crown, as I understood, for aid from the Crown to enable him to do so; it was refused, and then a collection was made.

2667. Do you know who was the counsel who was required to be brought down on behalf of the prisoner?—I think Mr. Joy was the counsel whom it was intended to employ if the solicitor had had sufficient means.

2668. The gentlemen of the bar generally do not attend a special commission?—Never, I believe, unless specially feed; and the fee is very high.

2669. Did you subscribe to the defence of those persons?—Not a farthing.

2670. Have you heard that it was stated that a clergyman of the district had so subscribed?—I did; I saw what purported to be a report of the evidence given by a witness before the Outrage Committee in the House of Commons, making mention of that circumstance.

2671. As far as you are concerned, is it true or untrue that you subscribed to that fund?—It is quite untrue.

2672. Are you aware whether or not the bishops and archbishops of the Roman-catholic Church have taken any steps to discourage and to discountenance the belonging to secret societies in Ireland among the people?—I know that they have on every occasion which occurred to them, by pastorals and otherwise, discountenanced and discouraged illegal societies.

2673. Has the present primate done so?—He has, by pastorals, and by addresses at different places; he meets his clergy and people at confirmations and otherwise.

2674. It has been stated that those pastorals were published in the newspapers, and that it would not be likely that the general body of the people would see them; have the clergy, and have you yourself, published those "Pastorals" from the altar?—I have published them from the altar.

2675. In your own district did you publish them from the altar?—I did, in my own chapel.

2676. On Sundays?—I read them on Sundays, and com-

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mented upon them. I may mention that a copy of the "Pastorals" is sent to every priest by his bishop.

2677. For the purpose of publication?—For the purpose of publication.

2678. Did you from the altar explain the "Pastorals" to the people?—Not exactly the "Pastoral" of the primate; I do not live immediately under the primate.

2679. Your own bishop published a "Pastoral"?—Yes, and at the opening of every Lent he does so, in similar language to that which is used in the primate's letter.

2680. Have you commented on the "Pastoral" of your own bishop, and discountenanced crime in addresses from the altar?—Always.

2681. Crime has been connected, in the evidence before this Committee and otherwise, with a society called the Ribbon Society; to what do you attribute the origin of that society?—As far as I am enabled to know the origin of it, it was simply got up as a mutual society, for the support and defence of each other in antagonism to Orangeism.

2682. Does the Orange Society exist at present in the north of Ireland?—I believe it does.

2683. Does it exist in your district?—I am told that it does.

2684. To what cause do you attribute the commission of those crimes which have occurred in your neighbourhood, and in neighbouring districts?—Really, as far as I am able to judge of the cause, or to assign a cause, it arose altogether from the high letting of land; and the people, consequently, being unable to pay the high rents, they are evicted; and when they were evicted, I have no doubt they endeavoured to have revenge on those whom they considered were the cause of the misfortune of their being evicted.

2685. Do you conceive that the lands are let at high rents in your district?—The lands generally, in my district, are let at the letting of 20 years ago, when the price of produce was high, and when there was no failure in potatoes or any other kind of crop.

2685*. In what state is the land when it is let to tenants in your district, generally speaking, throughout the country; is it drained and fenced, and are farm buildings built on it by the landlord?—No such thing is ever done, in my part of the country, by the landlord.

2686. Does the landlord lay out money with the view of keeping up buildings, or fences, or in repairs?—Not a shilling that I am aware of.

2687. Have

2687. Have all those things to be done by the tenant?—Yes.

2688. Do you know of many cases of ejectment being brought in that district in which these crimes have occurred?—In my own district, in Castleblaney, on the property with which the late Mr. Bateson was connected, I know that a great many ejectments have been issued.

2689. Do you know of your own knowledge any case of ejectment in your district, and on Mr. Bateson's property, which you would consider one of extreme hardship?—I do.

2690. Will you mention any one such case to the Committee?—I know one case which I witnessed of three families living together in one house; they were brothers; two of them were married and had families, and the other was a single man. I was passing by on clerical duty, and I saw them turned out. I inquired what was the cause of their being turned out, and I was informed that they had been served with an ejectment for two years' rent that was due from them.

2691. Mr. *Leslie.*] Will you state the name of the people who were turned out?—Hanratty.

2692. Mr. *Keogh.*] They were ejected for two years' rent?—Yes. I asked what was the cause of the eviction, and I was informed by a member of the family that the first year they got a fever among them, and they missed getting in their crops that year.

2693. Mr. *Bright.*] Do you mean getting the seed in?—Yes; in consequence of a fever. The next year they were served with an ejectment process, and a decree obtained for the amount of the two years' rent.

2694. Mr. *Keogh.*] Did they make any effort to pay the rent?—They borrowed from their friends, and sold everything they had on the land, such as cattle and pigs, and whatever crops they had; and some of their friends came over at harvest to earn money, and they made up altogether the two years' rent, with the exception of the law costs.

2695. How much were they?—I think 5*l.* or 6*l.*

2696. Did they tender the money?—They tendered 28*l.*

2697. Was that the two years' rent short of the costs?—Yes. That was refused; and they would not be admitted again unless they paid the costs along with the rent.

2698. Were they turned out on the high road?—They were turned out on the day to which I allude, while I was passing by. Having made the inquiries I have now stated, I

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saw them when they were put out, going on their knees, and in a most awful manner crying for vengeance, swearing they would be revenged on the persons who turned them out, and praying maledictions upon them.

2699. Mr. *Bright.*] To whom were those costs due?—They were payable to the agent. The agent would not receive the rent unless he got the law costs along with it.

2700. The costs which the agent himself had incurred in the process against the tenants?—I presume so.

2701. Lord *Naas.*] Who was the agent?—The agent to the property was Mr. Bateson.

2702. Mr. *Keogh.*] Do you know of many other cases of ejectment which have occurred in this district?—I know it to be usual that when they do not pay their rents at a fixed time, civil bill processes and ejectment processes are issued.

2703. Mr. *Bright.*] These persons of whom you are speaking contract to pay rent for their land?—Yes.

2704. If they do not pay their rent according to the custom of this country and of most countries, there can be no reason why they should remain in their occupation?—I do not see any reason why they should remain if the rent was equitable; that is, if it was considered a fair rent.

2705. Are you able to give the Committee the particulars of those cases to which you have referred; that is, the quantity of land occupied by those three families who lived together?—I do not know exactly the quantity of land which they held; but the rent for which they were evicted, as I was told at the time by one of the family, was 28*l.*; and they said that it covered two years.

2706. That would be 14*l.* a year?—Yes.

2707. You are not able to state how much that would be per acre, or what quantity of land they held, so that the Committee may judge whether the rent was high, or moderate, or low?—I know that the average rent of the townlands on which this estate was situate was 26*s.* an acre.

2708. What is the name of it?—Druanacon.

2709. How do you know the average rent so accurately?—It is in my parish.

2710. Do you know that is the average rent in the district?—I am told that it is so.

2711. Do you know that from any authority more than occasional conversation?—From the tenants who were living upon it.

2712. Lord *Naas.*] Do you know what the Hanratty families paid per acre?—I do not know more than this, that the

the average was supposed to be what I have stated, 26*s.* per acre, as far as I recollect.

2713. Mr. *Bright.*] Are you informed whether these persons hold directly from Lord Templetown or from some other middleman?—I think on the property in the parish in which I live, they all hold directly from Lord Templetown. I do not know a middleman.

2714. If the costs were payable to Mr. Bateson, would it not follow that the ejectments had been served directly from Lord Templetown's agent, and therefore that they held from him directly?—I do know that the usual way of serving ejectments is, that the agent who transacts the business of the landlord when he has ejectments to serve, goes to the attorney or solicitor and gives him the names of the different parties against whom he intends to proceed. When they come in to pay their rent, they are made to pay the costs of those ejectments along with the rent, or otherwise the rent is not usually received.

2715. Is the population of the parish in which you live, chiefly of your own church?—No; not more than half, I think.

2716. You think that half are Protestants, and that half are Roman-catholics?—Yes.

2717. Do those who are not Roman-catholics belong to the Established Church or to the Presbyterian body?—I think principally to the Presbyterians.

2718. The Established Church you would suppose to be in a minority of the three bodies?—I think so, considerably.

2719. Are there any other Dissenters there, except Presbyterians?—I do not know of any. There are three Presbyterian places of worship, but I do not know exactly the difference of their creed.

2720. Does the property in this parish belong exclusively to one proprietor or to more?—To more.

2721. Who are the proprietors?—Lord Blaney is the chief proprietor; Lord Templetown is the next; I do not know of any other, except that a family of the name of Noble has two or three townlands in it.

2722. Then does the whole parish belong to Lord Blaney, Lord Templetown, and a family of the name of Noble?—Yes.

2723. Do you know whether there is any other proprietor of land in the parish?—I think Mr. Douglas has one or two townlands in it.

2724. Does the town of Castleblaney form the extreme boundary on one side of the parish?—It is nearly the centre of the parish.

2725. Is

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2725. Is the Roman-catholic population with which you are mostly acquainted, connected with the cultivation of land generally?—Very nearly altogether.

2726. Is the Protestant population as much connected also with the cultivation of land?—Altogether; there is nothing else they can have but land; there are no manufactures.

2727. From information obtained in going amongst your flock, would you say that the general sentiment of the people is that the rent of land in the parish is too high?—I think so, decidedly; that is the general impression among the people.

2728. You stated that you believed the rent in this particular case to be the same that it had been 20 years ago?—I think there was no re-letting of the land for 20 years on that property.

2729. Do you know whether the land generally in that parish is held on lease?—There are no leases at all on that property.

2730. Do you suppose that those families had recently paid, year after year, the same rent which had been charged on the land for 20 years past?—I believe they always did, up to the time to which I allude.

2731. Is it within your knowledge that great and persevering efforts are made, and that privations are often suffered by the people, in order to raise the last shilling of rent which is due, to prevent their being dispossessed of the land?—I have known them to sell everything they had in the way of provisions, and everything else they could dispose of, in order to pay their rent.

2732. When a man in Ireland, in your parish, takes land, wherein does it differ from the circumstances which arise in this country? If a tenant in England wants to take land, and he finds that the rent of it is such as to leave him no result from his industry, he generally refuses to take it. In Ireland how comes it that the rent should be so high as to be thought unreasonably high by the tenants, and yet that the tenants still take the land, and strain every nerve to pay the rent, with a consciousness that they are paying a rent which is above that which the land is worth; can you account for that?—The only way in which I can account for it is simply that they have no other resource left for them for the support of themselves or their families except the land, and they have no other employment to turn to; they have nothing in the way of employment for themselves, or their children, or their wives; they have no other means of support, in fact.

2733. Then is it the fact that whatever one great proprietor, or

or two or three great proprietors of a district, offered their land at, there being no other resource for the population in the way of manufactures, and few other proprietors of a small class offering land on the spot, they are almost compelled to give whatever may be asked?—I think they have no other alternative.

2734. Is it your opinion that they frequently undertake to give that which, with their present modes of cultivation, they are unable to pay?—I think they do.

2735. Observing the occasional distress, and the occasional dissatisfaction of people amongst whom you live, has it ever struck you whether a remedy could be found for that state of things, and if any, what remedy?—The remedy which would occur first to me, and which has occurred to me, is simply this, that a reduction of the rent is absolutely necessary, in the first instance, inasmuch as, supposing the rent were equitable 20 years ago, the circumstances of the country, the price of agricultural produce, free trade, and everything affecting the produce of land, is so altered, that what was equitable then would not now be equitable.

2736. What would the people in your neighbourhood think an equitable rent for that parish, where the average is 26*s.* per acre?—I would merely reply to that question by repeating my former answer, that if it was an equitable rent 20 years ago, I think the means of paying that rent are diminished one-third, and I am sure they would think so.

2737. That is what you would call the general impression?—Yes, and it is my opinion.

2738. If you recollect 20 years ago, you must have observed that between that time and now there have been a great many fluctuations in prices; that prices have once, if not more than once, been as low as they are now, and that they have risen again, and that at the present moment the general produce of Ireland is not unusually low. Would you think there was any reason for demanding a reduction equal to one-third?—I should think that, during the last four or five years, there has been great reason for demanding not only a third, but half; and that is the failure of the potato crop, which is the principal means of feeding cattle, feeding pork, paying rents, and feeding their families.

2739. You propose that there should be an equitable rent; you are aware of the general opinion of writers and persons who have made the subject their study, that if it be the right of a tenant, in making his bargain with the landlord, to get his rent as low as he can, it is equally the right of the landlord

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lord to obtain for himself the highest rent which a tenant will agree to pay. Admitting the right of both parties, would you recommend a law which should actually fix the rate of rent, or is that the feeling of the population amongst whom you live?—It is the feeling that there should be some tribunal established which would devise a mode of fixing an equitable rent for the land, either to change every two or three years, or to fluctuate according to the price of agricultural produce.

2740. Then, with regard to that principle to which I have alluded (a principle admitted by all political economists), that a tenant should contract to get his rent as low as possible, and that the landlord at the same time may contract to let his land as high as possible, do the tenantry find, in point of fact, that that principle, in all cases, leaves them without a fair power in making their contract with their landlord?—At present they have not the means of having fair terms from their landlord; for, as I have already remarked, they have no alternative; they must have land, or they cannot exist in Ireland.

2741. How does it appear to you to be a case of a fierce and excessive competition amongst the tenantry for the possession of the soil, in which they bid amongst each other a higher rent than the soil is worth, and than they can pay?—That is not the usual way of taking land in Ireland; the usual way of taking land in Ireland is, for a tenant to go to a landlord; he does not generally bid against another tenant; the landlord or agent tells him the rent he expects, and the tenant may, if he pleases, go in at that rent.

2742. Supposing the agent asked 26*s.* an acre, and the tenant knew perfectly well that there was nobody in the parish who would give 26*s.* an acre, is it not likely he would offer, say 20*s.* or 22*s.*, as the rent which he thought reasonable, and that if there was nobody to give more the agent would let it at that lower rent?—I think so; but although he might do that, if he was sure that nobody else would come, yet he never can have that certainy. He cannot know who may come, because all the others may be in the same predicament with himself.

2743. Has he not an absolute certainty that some one else will come and give the rent?—I do not know that he has that certainty unless the competition be public.

2744. Does not the agent ask the rent which he does ask upon the calculation that, judging from the population of the parish, the demand for farms, and the rate at which other farms

farms let, he would be able to get that rent?—I believe that is so.

2745. Does not this state of things appear to be aggravated by the fact that, in your parish, a district of five or six miles, there are only two principal proprietors, and therefore that those principal proprietors have more power over this question than if there were 50 proprietors in the parish?—I have no doubt that is the fact; I have no experience of any other district beyond that in which I live.

2746. Has it ever occurred to you that the condition of your population would be better if the land were more acces sible as an absolute property in your parish than it is at present. A tenant can buy a cow, pay for it, drive it off, and it is his own; he may kill it, sell it again, or keep it. If he wanted to buy an acre of land as clean off as he may buy a cow, would there not be great difficulty in his way in your parish?—I do not exactly understand the question. Very few in the parish would be able to buy many acres.

2747. Supposing he had the money in his pocket, could he get it?—He could not get it; it is not to be sold.

2748. Is that because land is not, in your parish, a constantly marketable, selling, and buying commodity like anything else?—I believe so. There is no such thing as a fee-simple in land in small portions for sale in the parish with which I am connected.

2749. How long have you been in the parish?—Fourteen years.

2750. Have you all that time been in your present position as priest of the parish?—Yes.

2751. Have you, within that time, ever known a piece of land, say an acre, or five acres, or 10 acres, become, by purchase of the fee-simple of it, the property of any tenant in the parish?—Not any, with the exception of one acre, or thereabouts, the fee of which was sold by the Enniskillen and Dundalk Railway Company two years ago.

2752. Had the railway company, under their Act of Parliament, obtained it from some one of these large estates?—I think so.

2753. And then, having some plot in excess of what they wanted, it was offered for sale?—That is the only portion I know to have been sold.

2754. Who bought it?—Mr. Molloy, in Castleblaney.

2755. Was he a trader?—His father kept an hotel in Castleblaney formerly; he is in no business; he is living private.

2756. Are there any tenants in your parish who during the last

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last 10 or 15 years have made money and saved money, and become possessors of sums varying from 200 *l.* to 2,000 *l.*?—There is not one of my parishioners who is worth 500 *l.*

2757. Is there one of them who has been worth 500 *l.* during the last 14 years?—Since I went there I do not know more than one who has been worth 500 *l.*

2758. Have you observed among them any improvement in their condition, or any accumulation of money?—Not any.

2759. Do you not think their land is better cultivated in that parish than it was 14 years ago?—Some portions of it are better cultivated now.

2760. What does that arise from?—From families getting strong; the children growing up, and being able to spend more labour upon it than before.

2761. In any of those cases have the people any security whatever for anything they invest in the land?—Not the least; if sickness comes upon them and they are not able to pay their rent, they are put out and get nothing.

2762. Are you well acquainted with the land, and house, and circumstances of the three families you have spoken of?—I know the house and I have often been in the house; I attended the persons who had the fever, while they were ill, as clergyman.

2763. Did they come to your chapel?—They belonged to my congregation.

2764. Were they persons of fair character?—I never knew anything bad of them; they were hard-working poor creatures.

2765. Had they been long on that farm?—I should think for generations; their predecessors were on it.

2766. Can you describe to the Committee what sort of a house it was?—It was an oblong house; no loft; a thatched cabin. One family lived in one end of the house, and another family in the upper end, and the single brother lived in a room by himself: it was a poor house, badly thatched; very little glass in the windows.

2767. Mr. *Leslie*.] On what part of Lord Templetown's estate is it?—Adjoining the county of Armagh.

2768. Mr. *Bright*.] Would you say that the great probability is that the house they lived in had been built by themselves or by their immediate ancestors?—It was built by their immediate ancestors, or the first of the family who came there purchased it from the outgoing tenant.

2769–70. Are you able to state whether during the last 14 years the cultivation of that land had at all improved; whether there

there had been any fencing or draining, more manure put upon it, or more labour expended, or whether the land bore any marks of improvement during its possession by this family?—I have no doubt it was improved in fencing, at all events, because they are obliged to fence every field when they put in crops, to protect them from the cattle. The house was not worth much when I saw it. I have known other portions of the same property, and portions of Lord Blaney's property in the same parish, where 20 years ago the tenants had the land at 5 *s.* an acre, and they improved it considerably. The mountain part of it, with which I am particularly acquainted, they improved; they carried away stones, dug up rocks, made fences and shores, and brought lime to it; and they bring lime in some cases from a great distance, I think 18 miles; I have known cases where they could not get horses and carts to the field to which they brought lime. They have improved the condition of the land very much, and rendered what was let to them at the time at 5 *s.* an acre to be valued afterwards at the second letting to the same parties at 25 *s.* and 26 *s.* an acre.

2771. And the whole difference in the value had been created by their labour?—Solely; nothing else is known in the part of the country where I live, except that since the public works commenced there has been some money given for the improvement of the land.

2772. Mr. *Leslie.*] Are you aware that Lord Blaney allowed his tenants half the expense of the lime which they used?—Never.

2773. You never heard that he did?—He never did, to my knowledge.

2774. Did he ever do any draining on his property?—Since the famine commenced, there was some money expended in draining.

2775. In large arterial draining?—No, not that I know of.

2776. Has Lord Templetown expended any money in that way?—Not in large draining.

2777. Do you know the Corretanty Farm?—Yes.

2778. What size farm is that?—The first portion of it, which Lord Templetown took into his possession, was not more than 30 acres.

2779. What size is it now?—I suppose 70 or 80 acres.

2780. Is it not 150 acres?—Perhaps so.

2781. Is not all that drained?—The whole of that farm is drained, I believe; I do not know much of it, because none of my congregation live there.

2782. Mr.

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2782. Mr. *O'Flaherty.*] Is that farm in the occupation of tenants, or in his own occupation?—In his own occupation exclusively.

2783. In cases of these improvements, by which the land has been raised from 5 *s.* an acre in value up to 20 *s.* an acre, if the tenant was evicted because the last year or two years' rent was in arrear, would he have the value of those improvements placed to his credit in his account with his landlord?—Not a shilling.

2784. Are you of opinion that that state of things creates great dissatisfaction among the tenantry?—I am sure that it does create dissatisfaction.

2785. In your conversations with them has it ever been alleged by them that they conceived the law in that respect was in favour of the landlord, and unjust to the tenant?—Frequently; and they have remarked to me often, when I have spoken to them on the necessity of improving their land, that it was useless; that they would not profit anything by it; and that if they were going out to-morrow they would get nothing for their labour, or for the expenditure of the little capital they had upon it.

2786. Are you aware whether Lord Templetown or Lord Blaney have been in the habit of offering any inducement to their tenants to improve their cultivation, by providing them free, or in part free, with lime, or with any other material for the cultivation of the land?—I never knew anything in the shape of lime, or manure, or anything being given free or at a reduced price either by Lord Blaney or by Lord Templetown.

2787. Lord *Naas.*] Are any allowances made to the tenants for draining?—Not until the last few years. Since 1848 or 1849 I believe that half the drainage money expended on land was given by Lord Templetown, and also Lord Blaney, I think, for one or two years; but I think it is now withdrawn.

2788. Mr. *Bright.*] Was the tenant expected at his own cost to furnish the other half?—Surely.

2789. Mr. *Goold.*] Was there any drainage done before that time?—Not that I know of, before the famine came.

2790. Do you know whether any of the taxes which were formerly paid by the tenant have been paid by the landlord, such as the county cess?—I know the county cess has been paid by Lord Templetown, provided the rent was paid on a certain day by the tenant; but if the rent was not paid in the

the office on a certain day, he would get nothing from the county cess.

2791. Are you aware whether it is the practice in your parish, of the proprietors of lands, or their agents, to allow arrears of rent on the part of their tenants to go on, and hang over for a succession of years, and always keep the account open with them, or that it was the practice to have everything punctually paid up and squared off every year?—I know instances of both; I know instances of tenants being allowed to hold their land when the rent was not settled; that is, whose accounts for rent were not squared, going on for three, or four, or five years; and I have known instances of the other kind, where the tenants were obliged to pay at fixed periods; or if they did not, ejectment processes were usually levied upon them.

2792. Do you know that it has been the practice for the agents in that parish to serve notices in large numbers every half year, or every year, for the purpose of being ready to proceed with legal proceedings in case the rent was not paid?—I have known instances of that kind.

2793. There is a statement in the Report of the Devon Commission, that the agent of a certain proprietor had issued as many as 500 notices to quit, and that he issued them regularly in order that he might always be in a position to proceed if he wished to take any further steps. Have you known any case of that nature?—I do not know it to that extent; but I have known many instances of notices to quit being served, and no further steps being taken when they paid the rent at the usual time.

2794. Are you aware at all whether the estates to which you have referred are encumbered?—I do not know anything of that. I heard that Lord Blaney's property was encumbered by marriage settlements of sisters; but I did not hear anything with regard to Lord Templetown's property.

2795. Is your district a district where what is called tenant right has been acknowledged by the landlords and agents, and possessed by the farmers?—They never interfere one way or the other with it much, that I know of.

2796. Is it universal or only partial in your district?—Universal.

2797. Do you know whether the Hanrattys, who were driven out from their farm, have since returned to it?—No, they are dispersed through the country, and the farm has been lying idle these two years.

 2798. Has

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2798. Has anybody applied for that farm?—Nobody, that I know of.

2799. Is it because nobody wants a farm in your parish, or because nobody would consider it safe to take it?—Because the land is considered too highly rented, and it is a bad quality of land. There are plenty of people who would take it if the rent was reduced to a fair standard. There is no intimidation with regard to that farm; I never heard of any such thing, and never knew it.

2800. Do you think that if the next farmer, for instance, or anybody in the parish, were to take that land at 26*s.* an acre, or whatever is charged for it, he would hold it without any risk of injury in consequence of the past?—I think so.

2801. You have spoken about a fund which had been raised to defend the prisoners who murdered Mr. Bateson. Do you know at all by whom that fund was set on foot; was it set on foot by the friends of the prisoners?—Yes, by the friends of the prisoners.

2802. Did you ever happen to see a list, or to hear any particulars of the persons who subscribed to it?—I did not. I heard of the people in the town, and in the country round about, giving a trifle, from 1*s.* to 6*d.*

2803. Is that the town of Castleblaney?—Yes.

2804. What is the population of Castleblaney?—I do not exactly know the number, but it is a small village.

2805. Five hundred or 600 people?—About 400 people, I think.

2806. Not 1,000 people?—No.

2807. Did the people in the town as well as those in the neighbouring country subscribe?—I think a good many subscribed.

2808. Do you know the sum which was raised by that subscription?—I think 30*l.* was raised.

2809. Can you give the Committee any idea as to the class of persons who subscribed?—I think all the people in the neighbourhood, and in the town and parish, were called upon by the friends of the prisoners, and did subscribe a trifle: 1*s.*, I think, was the highest; perhaps some of them 2*s.* 6*d.*; but there was no particular class more than another, that I am aware of.

2810. Did the farmers subscribe?—Yes.

2811. Do you think the subscription was confined to the Roman-catholic population?—I do not think it was.

2812. Are you able to say distinctly that you believe or know

know that some Protestants subscribed to that fund?—I believe they did.

2813. Episcopalians as well as Protestants?—I believe they did.

2814. It has been stated to this Committee very confidently, that the Ribbon Society is composed exclusively of persons connected with the Roman-catholic church?—I believe that it is supposed to be so.

2815. And your own experience would lead you to that conclusion?—Yes.

2816. Are the measures which are taken by the Ribbon Society to maintain what they conceive to be the rights of the tenants, measures of retaliation and vengeance, directed exclusively against people of the opposite religion, or do they occasionally interfere with and molest Roman-catholics?—I to not admit the assumption that there is a Ribbon Society formed exclusively for that purpose, or that in point of fact the Ribbon Society has any such resolution, or that it is a component part of their constitution at all that it is a protection society, or a society for the purpose of outrage or aggression. I think the Ribbon Society, as at present existing, is of just the same nature that it always was; that is, a mutual friendly society against Orange aggression. As far as I know, it is simply the old system of Ribbonism; that is, we form a society and have pass-words, in order to be united together when we are attacked at fairs or markets by Orangemen.

2817. Do you think it has any object of giving relief in cases of sickness or funerals?—I do not think it has, and I am sure it has not.

2818. You think it is merely a body or class kept together for self-defence, springing out of the frequent contests of past times?—That is my feeling on the matter.

2819. You probably saw a paragraph in the newspaper the other day, stating that a Ribbon lodge, or seven or eight persons, had been seized in some public-house with Ribbon papers and documents before them, and supposed to be, and apparently upon good grounds, a committee met to transact some business connected with that society; do not you believe that at those lodges and meetings arrangements are made for the perpetration of outrages, and occasionally of murders?—I do not believe that any such thing takes place in the neighbourhood where I live. It is the youth generally of the parish who join a society of the kind; and as far as I ever knew, that matter was never debated among them.

2820. Do you think, then, that such a murder as that of

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Mr. Bateson was a thing isolated and not contrived by any other person, but perpetrated by one man or by two men, from motives with which they alone were concerned, and that it does not indicate anything like a conspiracy in the neighbourhood?—That is my belief. My belief with regard to the murder of Mr. Bateson is simply this, that it arose from the wickedness and vengeance of those who were turned out of the land, and was perhaps co-operated in by those over whom ejectments were pending. I am sure there were 50 or 60 ejectments; and there are at the present time ejectments pending over persons who expect every moment to be turned out; and they, as far as I know, have had no connexion with Ribbonism.

2821. In the performance of your duty as parish priest, you come in contact with those people in the most intimate relations?—I do.

2822. I do not refer to anything you hear or know or may suspect from that portion of your duty which is connected with the confessional; but from your familiar intercourse with them, do you think they shrink with horror at such an event as the murder of Mr. Bateson, or do they regard it as an act of justice, although against the law, and as a security to them that they shall not be overcharged for their lands, or evicted from their land? What is the feeling which you gather they are impressed with, from your familiar intercourse with them?—The latter part of your question is just the feeling which pervades generally, as far as I know, the people in the neighbourhood; that is, that certainly (and whether it be creditable or otherwise to them I am not prepared to say) the death of Mr. Bateson did not create that feeling of resentment against its perpetrators which an act of the kind should have done; and I trace it to the fact that I have already adverted to, that ejectments were so numerous hanging over them, and that they supposed the same thing might occur to them, and they looked upon it as rather a release.

2823. Into what class or rank of people does the sympathy which appears to exist in favour of the perpetrators of such a crime extend?—I do not know exactly that what I said had reference to sympathy with the perpetrators of the crime; and if it had, it is not what I meant. With regard to sympathy with the perpetrators, I cannot say of my own knowledge that there is any great sympathy with the perpetrators of crime; a person may not dislike an act, and yet may not sympathise with the perpetrator of it.

2824. How far does the feeling of toleration, and palliation, and

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and excuse for that act extend; does it extend to a class which you would call the respectable class of farmers, or is it felt at all, do you think, out of the body of Roman-catholics in your parish, and does the same feeling pervade the whole of the Protestant holders of land?—I think the feeling is the same, irrespective of creed altogether, as far as I know. I am not much acquainted with the Presbyterian or Protestant population; my official duties do not bring me in contact with them; but as far as I know, the feeling is the same, irrespective of creed.

2825. There have been some cases where, when some unhappy man was murdered, it was scarcely possible to get any one to go to the place, or to go for a surgeon, if he was not dead, or to go to his friends, or to lend a horse, or to take any part in the duties which were necessary on such an occasion. Did that arise from an indisposition to appear to side with law authority, or with the murdered man, or from a fear that it would not be safe, in the present state of the country, to show any sympathy for the murderer?—This matter did not occur in the instance of Mr. Bateson at all; for the very first person who came up assisted, as far as I recollect, in removing him. If it did occur, I do not know that the people would refuse assistance; I think they would not refuse assistance in my parish.

2826. Many men have been executed in Ireland for offences of this nature, agrarian outrages and murder; has it ever happened to be your painful duty to come in contact with prisoners under sentence of death for any such offence?—Never.

2827. Have you ever been present at an execution for such an offence?—Never.

2828. Have you ever heard persons of the humbler class conversing about any execution of that kind, which has led you to form any opinion as to their feeling on the subject?—Not any.

2829. Where did you reside before you went to the parish of Castleblaney?—I lived in the next parish, in the barony of Farney.

2830. How many years?—Eight years.

2831. The main part of your life has been spent in that immediate neighbourhood?—Yes.

2832. Have you been at all to the south or west?—Never.

2833. Is it within your knowledge that the Ribbon Society has prevailed almost entirely in the north, and is very little, if at all, known in the south and west?—I observed that it

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was always more prevalent in the north, owing to the fact that I have stated, that it was got up as an antagonistic society to Orangeism.

2834. Then would your opinion be, that the formation and maintenance of Orange Societies for the last fifty or sixty years in the north of Ireland, has been productive of results very much opposed to the peace of the country and to the social harmony of the districts?—I think so.

2835. Mr. *Leslie.*] Are there any Orange lodges in your parish?—I do not know of one in the parish. An outrage was committed four or five years ago on a chapel of mine by a party of Orangemen, walking on the 12th of July, in public procession. We went forward to prosecute; they promised not to repeat the thing, and they were forgiven. I do not know anything of my own knowledge of the thing since that time.

2836. Mr. *Bright.*] Do you know whether any gentlemen holding the position of magistrates or proprietors of the soil, solicitors, or men of some property and station in your neighbourhood, are connected with Orange lodges at all?—I was told that the greater number of the grand jurors of Monaghan were initiated into Orangeism two years ago, at the time of the assizes.

2837. Upon what authority do you make that statement?—I make the statement upon the authority of a shopkeeper in Castleblaney, who told me so.

2838. Is it a matter of common rumour in your neighbourhood that such was the fact?—It is a notorious matter; that is, every person in the town at the time of the assizes took that news home with him from the assizes.

2839. Mr. *O'Flaherty.*] Is it merely from hearsay that you have been talking of Ribbonism, or from any knowledge of the matter?—From knowledge, as far as I could know it.

2840. Is it from hearsay, or from personal knowledge?—From personal knowledge, in this way: from meeting my own people, and talking to them of Ribbonism, I know the nature of it from them.

2841. Mr. *Bright.*] Looking at the past condition and the present condition of your parish, as you have known it for the last 14 years, do you see many signs of improvement in social condition, more prospect of harmony, any chance of a more comfortable position of the tenants, greater accumulation of wealth, or greater improvement in cultivation; what is your view of the future?—I think it has deteriorated very much within the last 10 or 15 years. A great many of the houses

are

are down; many of the people are gone away. Some portions of the land are still unoccupied; some of the houses are not let; the people are not so well clad, or so comfortable as they were.

2842. Suppose that an Act of Parliament were passed consisting of some simple clauses, giving them a compensation for improvements which they had made on the land, is it your opinion, from your knowledge of the individual families, that there would be a great stimulus to industry created, and that the cultivation in your parish would be very much improved, or not?—I do think it would tend very much to the improvement of land if such a premium or encouragement were given.

2843. Has there been much emigration from the parish of Castleblaney?—There has been a good deal of emigration amongst the youthful portion of the population.

2844. Is it going on still?—Yes, as much as ever.

2845. Are you ever made the medium of communication between that portion of the people who have emigrated to America and the portion who remain?—Frequently.

2846. You receive letters?—Frequently; and a great portion of the money which comes to the parish, to members of my congregation, comes through my hands.

2847. Has that emigration been confined to the Roman-catholics, or has it also extended to the Presbyterians and the Episcopalians?—I think it has extended nearly as much to the others as to the Roman-catholics.

2848. Do you think that the feeling in favour of remaining at home and objecting to emigrate is diminishing?—Very much.

2849. As the numbers increase in America the attraction to leave home more nearly corresponds with the attraction to remain at home?—I think so.

2850. You have read many letters from America?—Yes, giving very flattering and encouraging accounts; and with requests that those to whom they write will go out as soon as possible.

2851. They say that so and so exists in Ireland, and that something exists in America; what is the inducement they offer?—Better clothing, better feeding, and better means of making a livelihood for their families.

2852. Do they state frequently that they have become possessors of farms, or are free by that means from high rents and the danger of eviction?—Some who have got farms stated that; but the class of persons generally whose letters I have

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seen, were servants, labourers, and persons of that description.

2853. Do they become, to a great extent, servants in hotels?—Yes; and in country farm houses also.

2854. Is it your opinion that emigration is likely to continue from your district?—I fear so very much.

2855. In your own case do you feel it your duty to encourage them occasionally to go, seeing little chance of their making any progress here?—I generally encourage them to go from the wretched state that I see them in, from want of clothing, and want of proper food.

2856. Can you state at all, with regard to your own parish, anything as to the amount which has been sent home, to enable people to go to America?—I can hardly give an outline of it; but I would say that, generally, I get about 10 *l.* a month, perhaps.

2857. In what sums does it come?—£. 4, 5 *l.* and 6 *l.* for passage-money, and money to prepare people to go out.

2858. Is that money which they have saved, or money which they have borrowed in America?—All saved. No one ever said, in a letter that I have seen, that it was borrowed money.

2859. Do a great many Irishmen who come to England send money over and request their friends to come to England?—Yes.

2860. Precisely the same circumstances take place as with regard to America, although not to the same extent?—Yes.

2861. Is it chiefly from Lancashire that they come?—They come over to the harvest, and get employed by the farmers and live with them, and sometimes send for members of their families to get employment also.

2862. Have you witnessed the parting of many families in your parish who have left to go to the States; partings from their old homes, their friends and neighbours, and from yourself?—I have seen many going in that way.

2863. What is the feeling which prevails on such occasions?—It is a mingled feeling of regret at being obliged to go, and that nothing but necessity would put them to it, and also a hope that they will be delivered from the sufferings which they have endured in Ireland.

2864. Among the people who remain, is there a feeling of longing that they were going, or of expectation that they will follow; or do they regard those who are emigrating as a class of persons who are to be pitied, and as peculiarly unfortunate?—They look upon them as happy in being able to go; and they

they look forward with hope to the time when they may be enabled to join them.

2865. If any one was to go to your parish and proclaim that he would put a ship at the disposal of the parish to take free of expense both as to passage money and board during the voyage as many as would go, do you think any considerable number on those terms would avail themselves of the offer?—I think that nearly one-half of the population of the parish would go.

2866. Lord *Naas.*] Have you ever heard of Lord Templetown assisting people to emigrate?—I heard it with regard to some persons whom he turned out of Corretanty Farm, when he was going to make a model farm of it. He paid their passage over, or gave them some means of going over; but I also heard that they gave a very bad account of the treatment they got on board. I do not know whose fault it was.

2867. Mr. *Bright.*] Would you say that the condition of this population with which you are acquainted is such, that the ties of home, which generally bind men, the ties of country and of old associations, go for nothing in the wish to escape from a land where they have suffered so much, to a land where their countrymen appear to be able to improve their condition so much?—That is almost the general feeling of the people.

2868. Is there some degree of harmony in your parish, between the Protestants and Roman-catholics?—Yes; there is no disagreement.

2869. There is harmony between yourself and the Established Church minister and the Presbyterian minister?—There is.

2870. You meet on matters of business?—Yes; and we talk together when we meet without business.

2871. You do not denounce each other?—No, we do not.

2872. Among the population, do the Roman-catholic families often become Protestant, or Protestant families become Roman-catholic?—We have not any instances of either.

2873. There is not much change?—No.

2874. Mr. *Hatchell.*] You were asked, in an early part of your examination, some questions about a subscription being set on foot for the defence of prisoners. Are you able to state how long it had been set on foot before you heard anything about it?—I do not think it was set on foot at all until I heard of it. I may mention the circumstances, and then it will appear that it could not have been long on foot. The solicitor

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solicitor who was engaged for the defence of the prisoners by the friends of the prisoners, came to Castleblaney, and stated that the money he had got would not enable him to get legal assistance at the commission; and that he had applied, I think, to the Crown for some assistance, and that it was refused. I said then to him, in the presence of the friends of the prisoners, "It is better to collect some money for the purpose of getting legal assistance for these poor fellows, and let them have a fair trial;" and then the collection, as far as I remember, commenced.

2875. Of your own knowledge, you are not able to state whether the subscription was set on foot before the application was made to the Government for assistance?—Not of my own knowledge. I cannot speak positively, except from the statement made to me by the attorney.

2876. Therefore, for anything that you yourself know, that subscription may have been partially set on foot before any application was made to Government for assistance?—I never knew, or ever heard that it was.

2877. Mr. *H. Drummond.*] Can you say of your own knowledge whether the Crown has a right to grant the assistance of counsel?—I do not know of my own knowledge whether the Crown has a right to grant or not to assign counsel.

2878. I think you have stated that the population of the town of Castleblaney is under 1,000?—I think it is considerably under 1,000.

2879. You did not state what was the population of the parish?—I do not know exactly the population of the parish. We have only 720 Castleblaney householders; I do not know the number of Protestant householders.

2880. In the ejectments of which you have spoken, the landlords do not much care about the creed of the tenant, and they eject a Protestant, or a Roman-catholic, or a Presbyterian, or one as well as another?—I do not think they look to the creed of the person at all; I do not know any case where they did.

2881. And you do not think the question of difference of creed mingles at all in the general treatment of the tenants?—I think not latterly. Some time ago I think it was a little observable; but latterly I have not observed anything of it.

2882. You have stated that you accounted for the fact of Ribbonmen being entirely Roman-catholics by the opinion that it was a defence society against the Orangemen, who of course are Protestants?—I did state that.

2883. Difference

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2883. Difference in creed, therefore, does not make any difference in the letting of land?—I do not know of my own knowledge that it has made any difference latterly.

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2884. Have you known Protestants who have been ejected vow vengeance in the same way?—Yes.

2885. On an average, do you think that the Roman-catholic population, speaking of small tenants who are treated in this way, are on the whole richer than the Protestants, or the reverse?—I think, if the holdings are the same, they are generally in the same position as to wealth; but generally speaking, there are more small landowners Roman-catholics than Protestants.

2886. Is it true, or is it not true, that persons intending to commit crimes go, before they commit them, and state their intention to a priest, and get absolution for a crime which is afterwards to be committed?—Quite untrue; a calumny on the Catholic religion.

2887. Is it not only untrue, but can it be done according to the doctrines of the Church?—Impossible.

2888. Neither is it possible that they can get an assurance that after they have committed the crime they shall receive absolution?—Quite impossible.

2889. Mr. *Goold.*] You have stated that the Roman-catholic bishops and archbishops have denounced Ribbonism and other secret societies?—Yes.

2890. You have stated also that your bishop published an address to his clergy, warning them against the danger of Ribbonism?—He did that last year, and does so every year.

2891. You have also stated that the present primate does the same thing?—He does.

2892. Have you seen the address which he published this year?—I have seen the address which he published this year, in which the same doctrine was given out, denouncing secret societies; but I have not read the whole of it.

2893. Will you take into your hand and read the passages which are marked in the pastoral of Dr. Cullen, now handed to you?—"In the instructions which you will occasionally give to the faithful during the month of May, and whilst exhorting them to the practice of every virtue, we beg you will frequently caution them against an evil to which they are sometimes exposed; the evil I refer to is the establishment of secret societies for illegal purposes throughout the country—societies, the dangers of which are well known to you, and have been frequently adverted to in other pastoral addresses. That your zealous exertions, aided by the good sense and religious

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religious feelings of your people, have been successful in preserving entire districts from this evil, and removing the contagion from other places that have been partially infected, is to us a source of congratulation, and to you a cause of true merit before God. Though your labours may not be requited with gratitude or human praise, still we exhort you most emphatically to continue the exercise of your zeal against all secret societies, by whatsoever name they may be called, and to endeavour to eradicate them from the country. Remind the faithful that such societies are the work of the prince of darkness, and that all those who are engaged in them are excommunicated, and cut off as rotten branches from the church of God. No true Catholic can take part in or encourage such wicked combinations, without becoming a traitor to his religion. The principles inculcated by them are at variance with the lessons and instructions given by the Scriptures, which are to rule and guide our steps."

2894. Is the tendency of the address of Dr. Cullen to discountenance secret societies?—Altogether.

2895. Are you aware whether he published another long "Pastoral" in January 1851, on the same subject?—Yes, I saw it.

2896. And it was republished afterwards?—Yes.

[*The following Document was delivered in:*]

PASTORAL ADDRESS to the Clergy of the Diocese of *Armagh*.

PAUL, by the Grace of God, and favour of the Apostolic See, Archbishop, &c., to the Clergy of Armagh.

MORE than 12 months ago, in the discharge of our episcopal duty, filled with anxiety for the salvation of our beloved flock, we addressed to you a pastoral letter on the evils of which secret societies are the prolific source, and explained the severe penalties with which the Catholic Church visits any of her unworthy children who, setting at nought her counsels, enter into such illegal combinations. Since then, we addressed you twice upon the same important subject; and when visiting your respective parishes, we omitted no opportunity of cautioning the faithful against the snares that are laid for them by wicked and deisgning men, and of denouncing those crimes and outrages that disgrace our country. It is to be deplored, however, that the same wicked spirit against which we were then obliged to raise our voice is still at work in certain localities; that the peaceful inhabitants of those districts are disturbed from their lawful occupations, and that their safety is endangered, that violence and threats have been resorted to in many cases, and that blood has been shed under circumstances which cry to Heaven for vengeance.

This unhappy state of things fills us with alarm; the reflection that many souls purchased by the precious blood of Jesus Christ are exposing

exposing themselves to the imminent risk of eternal perdition, is to us a source of the deepest affliction. Reverend brethren, it is our duty to make every effort to save them from so awful a calamity, and from impending ruin. We know, indeed, that hitherto you have spared no exertions in this cause, and that in season and out of season, privately and from the altars, you have denounced every attempt to establish or to propagate wicked combinations among the faithful committed to your care; and that you have frequently exposed yourselves to dangers in the performance of this duty, though you were aware that many would misrepresent you, as it has happened, and repay your labours with ingratitude. But if we have not been listened to up to the present moment, we are not to abandon the performance of our ministry of charity and peace; on the contrary, we are to make renewed and more energetic efforts to save our flocks from every contagion of evil. To do this more effectually, you will for three successive Sundays recite in public, before Mass, the psalm Miserere, begging of God, in union with your pious hearers, to inspire all those who are leagued together in illegal combinations with a salutary horror of the crimes that have been committed, and to give them grace to abandon their wicked ways, and to perform true penance for their sins. To aid in obtaining these desirable objects, you will read from the altar the following pastoral, addressed to you last year; and you will explain to your flocks that the members of all secret societies incur excommunication, are cut off as rotten branches from the Church, and if they die in that state, without performing true penance, are irreparably lost. If, after these admonitions, so often repeated, any unhappy and deluded men still persevere in their wickedness, let their blood be upon themselves, and let them answer for their own eternal perdition.

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PASTORAL on Secret Societies, published on the 22d of January 1851.

IT has been to me the source of sincere regret to learn that efforts have been made lately to establish and propagate secret societies in some districts of this diocese, and that some few unwary men have been unhappily induced to give their names to them. Charged as we are, reverend brethren, with the care of the immortal souls redeemed by the precious blood of Jesus Christ, and responsible for their salvation, we cannot be indifferent to any dangers to which those souls may be exposed; and we are bound to protect the little ones committed to us against every stratagem of the enemy of mankind, and to preserve them from his open or insidious assaults.

That secret societies are the fruitful source of the greatest evils there can be no doubt; they tend to produce strife and dissensions; they produce hypocrisy and treachery; they disturb the peace and order of civil society, and sap and undermine the foundations of religion and morality. Were it necessary to trace back their history, it would be easy to show that wherever they have sprung up they have produced most fatal consequences. To pass over the doings of the Manicheans and other sects, who concealed their abominations under the veil of secresy, and to come almost to our own days, was it not by

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by the instrumentality of such institutions that the infidels of France brought almost all the horrors of the French revolution, and endeavoured to strike at the root of Christianity itself. The late convulsions that have so violently agitated the Continent of Europe owed their origin to a similar cause; and it is undoubted that all the efforts that were lately made to destroy the authority of our holy and beloved father the Pope, and to introduce anarchy and irreligion into Rome, the centre of Catholicity, were planned and directed by such societies. When history puts these facts before them, how is it possible for men who call themselves Catholics, and profess to be devoted children of the Church, to foster so unhappy a system, or to enter into combinations productive of such awful and irreligious effects.

The annals of secret societies in Ireland are stamped with the same character that distinguishes them in other countries. Under whatever name they have concealed their wicked purposes they have been a scourge and a curse, a reproach and a stumbling block to our unhappy country. No one can reflect on the evils produced by them without shedding bitter tears. Our most implacable enemies could not have discovered any more efficacious means to inflict injury upon us, or to perpetuate our miseries and dissensions. Every reform, every social improvement, every measure tending to support the interests of the country, was impeded or retarded by them. The only effects which followed from them were faction, discord, civil strife, and bloodshed. How many unhappy men have terminated th ir days in ignominy and disgrace upon a scaffold for having given their names to such illicit societies; how many were consigned to chains and dreary dungeons; how many were torn from their peaceful homes and friends, and sent to expiate their folly in a foreign land! What tears of bitter remorse and despair were shed by these misguided men! Perhaps a similar fate and equal afflictions await many of those who now consider it an amusement to engage in illegal societies. Ah! my reverend brethren, excite your zeal, and warn your flocks of the danger they are exposed to, and save them from the fatal consequences of any step they may have taken. The law may appear to be indulgent, and to tolerate their proceedings for a while, but in the end justice, and the necessity of preserving peace and order, will require the exercise of severity, and the offences of those who are illegally banded together will be punished with an inexorable hand.

At the present moment, and under the unhappy actual circumstances of the country, it may appear difficult to determine what object the authors and promoters of secret societies propose to themselves. Certainly it cannot be anything good, for as an ancient writer says, Honesta semper publico gaudent scelera secreta sunt—Crimes are concealed, but good deeds rejoice in the light of day. Those who are walking in the paths of truth and justice are not ashamed to perform their actions before men; the children of God are lovers of light; it is only the reprobate, the child of hell, that is obliged to veil his wicked deeds in secresy and to delight in darkness. "For every one" (says St. John) "that doeth evil hateth the light, and cometh not to the light that his works may not be reproved. But he that doeth truth cometh to the light, that his works may be made manifest

because

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because they are done in God." *John* iii. 20. What then is it that the authors of secret societies now propose to themselves? What great object are they pursuing? They may talk about important undertakings; they may boast of advantages they wish to obtain; but such promises and vain boastings are put forward merely to deceive the victims of their wicked designs. I am credibly informed that they have not, in general, any political object in view, and that at least in some places those societies have been established—who would believe it? but it is too true—for the purpose of encouraging the use of intoxicating liquors. Designing men, intent on promoting their own interests, or satisfying their base passions, do not hesitate to traffic upon the safety and lives of others. They induce unsuspecting and guileless men to enter into combinations; they levy contributions upon them under the absurd pretence of improving their condition and redressing their grievances; but the money thus obtained is expended in drinking and riotousness. Drunkenness and all the evils that follow in its train are thus introduced; and who can describe the extent of such evils? How many in this way lose their health; how many bring disgrace and dishonour upon themselves, and become the outcasts of society! how many entail misery, want, and dishonour upon their families! But what are these temporal afflictions when compared to the eternal horrors, to the gnawing of the worm that never dies, to the ever-burning fires of hell, that await the sensual man and the drunkard in a future life? Well may we say to them in the words of the Scripture: "Woe to you that are mighty to drink wine, and stout men at drunkenness."—*Is.* v. 22.

But drunkenness is not the only consequence of illegal associations: other great evils daily arise from them. Those who spend their nights in the orgies of Bacchus must pass their days in idleness and sleep. Industry is abandoned—every legitimate employment is neglected, and the means of support soon fail. How are they to be supplied? Violence and force must be resorted to—men unwilling to enter into the society must be compelled to do so in order to extort from them new contributions, those who resist are insulted and ill-treated, fighting and quarrelling necessarily ensue, lives are endangered, and blood perhaps spilt. Is it not plain that the great commandments of God will, in this way, be trampled on, that injuries will be done to life and property, and that charity, the queen of all virtues—the special characteristic virtue of the Christian—will be banished from the land? Reverend brethren, I implore of you to point out these evils to your flock, and to spare no exertions to avert them.

At present the secret societies that are creeping in do not, it seems, propose to themselves any political changes or any social innovation. But, however that may be, it is undoubted that sooner or later they always become nurseries of sedition and rebellion. It is not necessary to show the evils of a system that has so dangerous a tendency. If order be not preserved—if obedience be not practised—if the just laws of the country be not upheld, if established authorities be not respected, no society can exist—it must fall into pieces and be dissolved. There is nothing more hostile to the doctrines and teachings of our holy religion than a spirit of disobedience and resistance to authority.

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authority. We are continually reminded in the Holy Scriptures that whilst we are obliged to give to God the things that are God's—that is, to be obedient in scriptural matters to the Church and its ministers, so we are to give to Cæsar the things that are Cæsar's; that is, in temporal matters we are to be obedient and submissive to the established authorities of the land.

The preaching of sedition and the upholding of treasonable practices are altogether inconsistent with the words of St. Paul; "Let every soul be subject," says he, "to the higher powers: for there is no power but from God, and those words are ordained of God, and they that resist purchase to themselves damnation." *Rom.* xiii. 1. It is not necessary for me to insist on doctrines laid down so clearly by the Apostle, and which have been always acted on by the Church. Even when groaning under the most awful persecutions and excluded from the protection of every law, the early Christians, though no consideration could induce them to abandon their religion or to sacrifice its rights, were most obedient to all the just civil laws of the ruling powers, and on every occasion displayed the most perfect patience and submission. What a useful and edifying example they have left us to imitate!

While instructing your flocks, rev. brethren, upon the different matters I have merely hinted at, you will not forget to call their attention to the severe penalties enacted by the Church against secret societies. As early as the middle of the fifth century we find a most important letter of St. Leo the Great to the Bishops of Italy, putting them on their guard against men who were circulating wicked doctrines, and corrupting the people by the means of secret assemblies. But passing over this and other ancient documents in silence, you are aware that Clement the Twelfth, in the year 1738, issued the sentence of excommunication against all persons enrolled in the secret society of Freemasons. Benedict the Fourteenth renewed that sentence in the year 1751, and justified it by the strongest reasons which are applicable to all secret societies. The immortal pontiff, Pius the Seventh, in the year 1821, confirmed and extended the bull of Benedict the Fourteenth, and Leo the Twelfth, in the year 1826, in his brief, *Quo graviora mala*, walking in the footsteps of his predecessors, renewed all their anathemas against existing secret societies, and applied them to all future institutions of a similar description, "Societates omnes occultas," says he, "tam quæ nunc sunt, tam quæ fortasse deinceps erumpent, et quæ ea sibi adversus ecclesiam et supremas civiles potestates proponunt, quæ superius commemoravimus, quocunque tandem nomine appellantur, nos perpetuo prohibemus sub iisdem poenis," etc. Such are the penalties with which the Church visits the members, the originators and promoters of secret societies. By explaining those penalties to your flocks, and showing what an evil it is to be cut off as a rotten branch from the true Church, and to be excluded from her prayers and her sacraments, you will inspire the faithful with a salutary horror of all illegal combinations. The Church and her teaching should be our guide; we should be regulated by her maxims and precepts, not by the suggestions of wicked and deluded men, who lead their votaries to ruin and perdition.

If, after having instructed your flocks, reverend brethren, and pointed

pointed out to them, in a spirit of true charity, the dreadful dangers to which illicit combinations expose them, you discover that they are so hardened as not to listen to your paternal admonitions, you will have the kindness to let me have the names of all such persons, and I will give you the necessary authority to pass the awful sentence of excommunication upon them, and to cut them off from the body of that Church out of the bosom of which there is no salvation. If those deluded men will not listen to the voice of that Church and of her pastors, who seek nothing but their eternal salvation, they must be subjected to the severest penalties which the Church can inflict; they must be to us as the heathen and the publican.

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Whilst speaking in terms of severity against all secret and illegal societies, you are not to imagine, reverend brethren, that I am unacquainted with the miserable condition of our poor, or that I am insensible to their wants and afflictions; no, reverend brethren, far from me and from every minister of Jesus Christ to be hardhearted, or to look with indifference on the calamities of our people. I know we may say, in the words of the prophet, "Our inheritance is turned to aliens, our houses to strangers; we are become orphans without a father; our mothers are as widows; we have drunk our water for money; we have bought our wood; we were dragged by the necks; we were weary, and no rest was given us; the joy of our heart is ceased, our dancing is turned into mourning; the crown is fallen from our head; woe to us because we have sinned; therefore is our heart sorrowful, therefore are our eyes become dim."—*Jer. Lament.* v. 2. But, reverend brethren, the intensity of our evils is not to make us forget our religious principles; it is better to suffer poverty, persecution, and all the afflictions of this life; it is better to suffer death itself than to commit the slightest sin. The calamities under which we groan are not to be remedied by offending God, or by violating his law, and neglecting the admonitions of his Church. Whatever our lot may be, we are to bear it with patience and resignation to the holy will of God; we are never to forget that we are disciples of a crucified Saviour, and that the sufferings of this life, if borne in a proper spirit, will merit for us the eternal joys of Heaven. We may indeed exert ourselves to get our grievances redressed; it is just and expedient that we should do so; we may expose our complaints and our wants to those who are in power, and call on them to do us justice; but in doing so we are never to violate any just law; we are never to take vengeance into our own hands; we are never violently to resist the constituted powers, however they may treat us. The example of our forefathers in the faith should be continually before our eyes. Their property was confiscated; they were hunted down like wild beasts; they were considered to be the outcasts of society, and unworthy to be admitted to the enjoyment of any privilege; they were tormented and put to ignominious death, yet they never conspired against their oppressors; they were always good and obedient subjects; they bore their sufferings with patience and resignation, and thus merited the approbation of Heaven. The words of St. Paul, already quoted, were deeply engraved on their minds:—"Let every soul be subject to higher powers, for there is no power but from God. Therefore he that resisteth the power resisteth the ordinance of God,

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and they that resist purchase to themselves damnation. Wherefore, be subject of necessity, not only for wrath, but also for conscience sake."—*Rom.* xiii. Teach your flocks, my reverend brethren, to enter into the spirit of those doctrines, and to regulate their conduct by them; teach them to merit an immortal crown, by bearing patiently their unparalleled sufferings; teach them to walk in the footsteps of the saints, and especially to imitate the patience, the humility, and resignation of our most Holy Mother, the Mother of God, who is our hope, our sweetness, and our life, in this valley of tears; teach them to seek for consolation in the sacraments and the other mysteries of religion; teach them to put their trust in God, to approach him with fervent and humble prayer, to explain their necessities to Him, and to implore his assistance. If they act in this way, God will look upon them with compassion, and stretch out the right hand of his omnipotence to relieve them; or if it be in the ways of his providence that they should continue to suffer here, He will give them grace and strength to bear their present calamities; and when they shall have terminated their short and miserable career in this world, He will bring them to the regions of eternal happiness.

The grace of our Lord Jesus Christ be with your spirit, brethren. Amen.

\+ *Paul Cullen*, Archbishop, &c.,
Primate of all Ireland.

Drogheda, 22 January 1851.

2897. You have stated that there were three families living in one house?—Yes, two of them married, and one single man.

2898. And the rent they paid was 14 *l.* a year?—Yes, I think so.

2899. You cannot speak from your own knowledge, but you say that probably that house was built by some of their ancestors, and that they were never allowed anything for it?—Yes, or their ancestors bought it from the outgoing tenant.

2900. You do not know whether they allowed them for the house?—The landlord does not allow for houses when they are leaving the land, in our part of the country.

2901. Originally the house probably belonged to one person?—I should say so; I think the father of these three families held the land and house. They were three sons.

2902. He subdivided the land among the three sons?—They held it together.

2903. Probably the father allowed the sons to come into possession of the land?—They got it from their father, but there was no division of property; they held it in common together.

2904. Three families?—Yes.

2905. That

2905. That which was originally occupied by one?—I think so.

2906. You do not know what was the rent which was payable?—I do not.

2907. You were asked as to the habit of serving a vast number of notices to quit in some cases, and you stated that you had known 500 notices to quit served, and no further proceedings taken?—Yes.

2908. Has that been done often?—Yes, I have known it to be done often.

2909. In the cases you have known, was there a middleman intervening between the owner and occupier of the ground?—I do not know a middleman in the parish at all.

2910. Were these cases in your own parish?—They were; they were under the head landlord.

2911. Sir *W. Somerville.*] Were there leases given of those mountain farms to which you have referred?—No leases on Lord Templetown's property in the parish at all; there are some leases on Lord Blaney's property.

2912. What is the usual length of those leases?—Thirty-one years or 21 years.

2913. Do you think those farms are better cultivated and better tilled than those which are held at will?—I think they are better cultivated, and the people on them seem to be more comfortable.

2914. Mr. *O'Flaherty.*] Does the tenant-right practice exist in your parish?—It is practised in my parish.

2915. You have stated that compensation for improvements would be very valuable to the people in your district?—I think it would, and it would encourage improvements very much.

2916. Does not the tenant right provide somewhat for compensation, by giving a power to the tenant to sell his interest in the farm?—The power and the fact go together. That is what we call tenant right as at present existing.

2917. Does not that give the tenant compensation for his improvements?—Yes, it does.

2918. Mr. *Bright.*] It does not save him from eviction?—No.

2919. Mr. *O'Flaherty.*] Has a man the power, while he is under eviction, to sell his tenant right?—That is quite optional with the landlord, or with the agent.

2920. The Hanrattys owed 28*l.* rent?—Yes.

2921. Supposing they had got a third party to come in and offer them 70*l.* for the farm, could they have put into their

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pockets the difference between 28*l.* and 70*l.*?—Yes, if they had been permitted by the landlord or agent to do so.

2922. Is that permission required from the landlord?—Always.

2923. And in no case can it be done without the permission of the landlord?—No.

2924. In such a case, if the Hanrattys could have procured a purchaser, is it general that a landlord, while parties are under eviction, would refuse to them the power of selling?—I do not know any cases of that kind.

2925. Have you known instances of it?—I have never known an instance of a landlord allowing persons who were under an eviction to sell.

2926. Would you think that compensation for improvements would be a satisfactory settlement of that much disputed question which now exists in Ireland?—I think it would be a part of it; but I think that a lowering of the rent is absolutely necessary before any other improvement takes place.

2927. You think that compensation for improvement would have no effect, unless the land was let at a fair value?—I think very little.

2928. Because you presume that no improvements could take place on land which is not properly let?—Yes.

2929. And that, therefore, no compensation could be made?—Yes.

2930. Mr. *Leslie.*] Has there been a reduction of rent anywhere in your parish lately?—There was a reduction by Lord Blaney this year, or by the person representing the property, of 4*s.* in the pound.

2931. Mr. *Bright.*] Was that before or after the murder of Mr. Bateson?—I think the rents were not reduced until after the murder; but there was a reduction given for one year. In the year before last I think the reduction was 1*s.* in the pound.

2932. A temporary reduction?—Yes; and this is only a temporary reduction.

2933. Is the plan always to get as much as can be got, giving a little back in years when it cannot be obtained?—Yes.

2934. Does not the exaggerated rent of which you have spoken, if it is too much, as being obtained, arise from the fierce competition for land?—Yes; the tenant cannot do without it; it is indispensable to him.

2935. Does not the facility and the habit of going to America

rica in such quantities remove the necessity for this great competition for land?—The facility of going to America is not so great as to produce that result; many persons will send a portion of their families who cannot go altogether, and as soon as they can get money enough to bring the rest of the family they usually go.

2936. Supposing that emigration should come to such an extent that the passage from Ireland to America should be much cheaper than it is at present, does it not then bring it to the question that the boundless quantity of land which the tenant can obtain extinguishes the competition?—It would be so, if that occurred. I am sure there would be very little competition for land.

2937. How do you account for the farm of the Hanrattys having been two years without a tenant?—The rent being so high.

2938. That is to say, that a tenant could not be found to give a higher rent than it was worth?—No labouring tenant could pay for that land the rent which the Hanrattys were paying.

2939. Lord *Naas.*] Is that the rent which is asked for it by the landlord?—Yes, as far as I know. There was a neighbouring farmer in treaty about it, and the landlord required, not only the old rent, but that the arrears which had accrued on it since should be paid; and two years' arrears are now due.

2940. Mr. *Goold.*] If nobody has offered for that farm, does it not show that the competition cannot be so high?—Where the rent is exorbitant there is no great competition; the people pay exorbitant rents as long as they can, and then they go out.

2941. Then the cheap fares to America have very much settled the question of competition?—I think it is tending much to reduce the price of land.

2942. If the parties did not apply for it, would not this undue competition cure itself?—I think the people cannot do without land, and hence the competition.

2943. Lord *Naas.*] You spoke of a tribunal for settling the rents; what did you mean by that?—I spoke of what the people thought.

2944. Do you think that such a tribunal would be necessary for the well-being of the country?—I think it would be a great improvement on the present state of things.

2945. Have you at all considered how that should be constituted?—Nothing more than reading in the newspapers, and seeing a print of Mr. Sharman Crawford's Bill; one party

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being chosen by the landlord and another by the tenant, and having an umpire in the event of their disagreeing.

2946. Do you think that compensation for permanent improvements would be of little use without a reduction of rent?—The first step towards improving the situation of the tenant would be a reduction of the rent; as far as I know, the rents have become impossible; in fact, if they sold all they grow out of the land, they could not do more than pay the rent, the poor rates, and the county cess. I have known persons obliged to sell all they possessed.

2947. Mr. *Leslie.*] What is your poor rate?—The last poor rate was 1 *s.* 6 *d.* in the pound.

2948. How often is that rate?—No fixed time.

2949. Mr. *Bright.*] How many in a year?—There is more than one rate usually in a year.

2950. Then your poor rate will not be more than 3 *s.* in the pound this year?—Not more, but some years it is 5 *s.* in the pound, and in some years 9 *s.* in the pound.

2951. How is it they have diminished so much?—I think principally from the number in the poorhouse decreasing; we have had 1,500 at one time in Castleblaney poorhouse, and now we have only 600.

2952. What has become of them?—Dead, and gone to America; many went to America out of the poorhouse.

2953. Lord *Naas.*] Is there much land unlet in your parish?—I suppose on that property of Lord Templetown's there are six or eight farms unlet.

2954. Are those farms generally bad land?—Generally bad land.

2955. Are there farms of the better class of land unlet?—I do not know of any good land which is unlet.

2956. What is the difference generally between such land as the Hanratty families had and what you would call the best land in the parish?—A part of the land of Lord Templetown lets at 48 *s.* an acre, I think.

2957. Mr. *Leslie.*] Near the town?—About a mile from the town.

2958. Mr. *Bright.*] What is done with it?—Farmers have it, and some of the townspeople have it.

2959. Lord *Naas.*] That part of the land is generally held by shopkeepers?—The farmers are living on it; but the rent was increased, I should say, by the competition of the townspeople. The former agent who let the land at this price took in proposals for the land; and the shopkeepers of the town, who wanted it more as accommodation than as a means of living,

living, were enabled to offer a higher rent. I think that was the reason the rent was raised so high.

2960. Do you think a landlord generally takes the highest rent that is offered?—I think so, as far as I know, provided he has no objection to the tenant. There are some who have offered to pay very high rent for land, who would not be taken, because they were objectionable.

2961. Then it is not always the case that the highest rent is taken?—Not always.

2962. Mr. *Solicitor-General for Ireland.*] You have stated, and truly stated, that the value of agricultural produce has diminished very much of late years?—I think so.

2963. You have stated that that was to be ascribed to the operation of the very valuable measure of free trade?—Chiefly, I say, to the failure of the potato crop in Ireland, and, of course, free trade I presume has contributed also.

2964. You have been understood to state that the rents were fixed before these recent changes?—They were.

2965. The landlords did not raise the rents, but they did not sufficiently reduce them, in your judgment, according to the alteration of the times?—No.

2966. You have stated that that which was equitable some years ago ceases to be equitable, in your opinion, now?—Yes.

2967. You have mentioned that a great many ejectments were brought by Mr. Bateson, who was murdered, over the estate to which he was agent?—There were.

2968. Do you know Mr. Major?—I know him from seeing him; I do not know him personally.

2969. Before Mr. Major all the ejectments which are brought must be tried, in that county?—I think so.

2970. And he therefore would be in a condition to give the precise number of ejectments issued by Mr. Bateson?—I think so.

2971. How many years was Mr. Bateson agent over that estate?—I think five or six years.

2972. As a matter of fact, can you state how many ejectments were tried in Castleblaney Court within the whole of those five years?—I cannot say.

2973. You mentioned, in reference to land, two cases of oppression; one, of some gentleman who let the land at 5 *s.* an acre, which when it was reclaimed was doubled or trebled in value?—It is up to 25 *s.* now.

2974. When was it let at 5 *s.* an acre?—Twenty-five years ago.

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2975. You were not present at the letting?—No; I have seen the leases.

2976. It was let by lease, was it?—Yes.

2977. Sir *W. Somerville.*] Was there any lease of those mountain farms to which you alluded?—Not for the last 20 years.

2978. At the original letting were there leases?—Yes, there were at the original letting; I saw a lease.

2979. Mr. *Solicitor-General for Ireland.*] Of the 5*s.* an acre land there was originally a lease granted?—Yes.

2980. And the party enjoyed the land under that lease according to his contract?—Yes.

2981. It was not in the landlord's power to raise the rent while the lease lasted?—No.

2982. What was the term of the lease?—I do not remember; but I saw the lease; I was in the tenant's house and speaking of the condition the land was then in and the condition in which it was when he came into possession of it.

2983. Can you state to the Committee whether the original lease was granted for 31 years, for 41 years, or for three lives, or for what term it was granted?—I do not exactly know the number of years, but I believe the leases are not for more than 21 years in that neighbourhood; I never saw a lease for a longer term than 21 or 31 years.

2984. Were there any conditions in it about reclaiming land?—Not that I observed; I merely looked at the rent.

2985. You did not read the other clauses?—No.

2986. Were you present at the second letting?—No; the second letting took place before I went there.

2987. When did the second letting take place?—I think it is 20 years ago.

2988. And that is the case of oppression to which you allude, being a letting of 20 years ago?—Yes, and that that rent continues to the present time I consider to be the oppression.

2989. Mr. *O'Flaherty.*] The land was let 20 years ago at 25*s.* an acre, being an increased rent; and you say that you consider that to be a case of oppression, inasmuch as the rent of 20 years ago is not applicable?—Yes.

2990. Sir *W. Somerville.*] You were understood to state that at the last letting the rent was 25*s.* an acre with a lease?—Without a lease.

2991. Mr. *Solicitor-General for Ireland.*] Did you not say that it was also a case of oppression in your opinion, on the ground that the rent was raised from the original sum to the sum

sum that had latterly been paid?—In this point of view I consider it a case of oppression, that the tenant was charged for his improvements on the land, instead of deriving any benefit from them; he was charged an additional rent for his own improvements, and that is the point of view in which I consider it an oppression.

2992. Had he not the enjoyment of the land for the term of his lease at the small rent at which it was originally let?—He had possession of the land; but the improvement of the land cost him so much labour and money, that he could not call it an indulgence or an enjoyment.

2993. During all the time prescribed by the lease he had the farm?—Yes.

2994. Paying 5*s.* an acre?—Yes.

2995. Were you present at any contract which was made, at the expiration of the lease, between him and his landlord?—No.

2996. From whom do you derive your information of what occurred at the expiration of that lease?—From the tenant himself.

2997. And from no other person?—From no other person.

2998. Is he still in possession?—He is still in possession.

2999. Has he or his family been for half a century in possession?—I believe he has been in possession for 40 or 50 years.

3000. And he is there still?—Yes.

3001. Mr. *O'Flaherty.*] Do you consider that if the terms remained as they were when the man took the renewal lease 20 years ago his rent of 25*s.* an acre would be a fair and equitable rent?—I do not know; I do not know whether it was an exorbitant rent when the rent was laid on or not. I would say that if it were only equitable at that time, it ceases to be equitable now.

3002. You were understood to say that you considered the absence of equity to consist entirely in the fact that the price of produce has so much changed between the present time and 20 years ago, that you consider it now a case of hardship?—I do.

3003. *Chairman.*] You were understood to say that there were two species of hardship; one that the rent had been increased at the end of the lease by reason of the improvements, and the other that that increased rent had been continued during the distressed times latterly?—I said so.

3004. The hardship arises from both sources?—Yes.

3005. Mr. *Solicitor-General for Ireland.*] Did you see the land

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land when it was originally let?—No; but I saw, a few weeks ago, portions which are still in the original state, and not reclaimed.

3006. Mr. *O'Flaherty.*] Did the original tenant himself tell you so?—Yes.

3007. He is still alive?—Yes.

3008. State the description of land?—I saw the land which he did not reclaim or lay out much money upon, and it is not worth 5 *s.* an acre; it is covered with heather and rocks, and there is no access by road to it; I have seen the same man and his family carrying lime in baskets to the top of the mountain.

3009. Mr. *Solicitor-General for Ireland.*] How long ago is it since that land, demised by a lease, the clauses of which you did not read, was first reclaimed?—The whole of the farm was in the lease, and there were only portions of it reclaimed.

3010. How long is it ago since the part which is reclaimed was first reclaimed?—I suppose about 30 years ago, or from 30 to 40 years.

3011. Is it nearer 40 than 30?—It is between 30 and 40 years.

3012. What is the man's name?—His name is John Markey.

3013. Whereabout is it situated?—In Mollyash Mountain.

3014. Who is the landlord?—Lord Templetown.

3015. Who is the agent?—Mr. Golding is the agent at present.

3016. Of course the land was let long before Mr. Golding or Mr. Bateson became agent under the present take?—Yes.

3017. And the fact of the severity of the rent depends upon a statement made to you by the tenants?—Entirely.

3018. Now with respect to the other cases of oppression; you were not present at any interview between the Hanrattys and the agent?—No.

3019. Who is the landlord?—Lord Templetown is the landlord.

3020. And the same agent?—Yes.

3021. What was the rate per acre?—I do not know.

3022. You did not hear it from Hanratty?—I did not hear what they paid per acre.

3023. Mr. *Scully.*] You do not know the quantity of land they held?—No.

3024. Mr. *Solicitor-General for Ireland.*] It was from a statement made by the Hanrattys to you that you came to the conclusion

conclusion that they were oppressed in the way you have mentioned?—Yes; I was told it by the whole family, and the neighbours who assembled when they were put out.

3025. There were costs due?—I was told that there were costs due.

3026. Do you know many attornies in your country?—I know some.

3027. Do you know to whom the costs belong in a case of that kind?—I believe to Mr. Swansea, the attorney.

3028. You have stated that 28*l.* was tendered. Were you present when that sum of money was tendered?—No; but I saw the money with them, which was afterwards tendered.

3029. Were you present when 28*l.* in cash was tendered to any person on the part of the landlord?—I was not present when any tender of any cash was made to the landlord.

3030. To whom did they say they tendered it?—To the agent.

3031. What agent?—Mr. Bateson.

3032. He is the gentleman who was killed?—Yes.

3033. You have stated that the character of the Hanrattys was reasonably good?—Yes.

3034. What was the name of the man who murdered Mr. Mauleverer?—Hanratty.

3035. What was the name of the man who murdered Mr. Powell?—I do not know.

3036. And who afterwards turned King's evidence?—I do not remember.

3037. Was it a Hanratty?—I do not know; but it was neither of those, at all events, who lived in my parish.

3038. Mr. *Bright.*] Is the name of Hanratty common in your part of Ireland?—Very common.

3039. How many people do you know of that name?—I know 20 families of that name in my own parish, and in the neighbouring county. There are hundreds of families of the name of Hanratty.

3040. Mr. *Solicitor-General for Ireland.*] But you know as a fact that Mr. Mauleverer, like Mr. Bateson, except that he was driving in a car to the railway, was murdered in the broad daylight?—Yes.

3041. Mr. *O'Flaherty.*] Did you ever hear the Hanrattys family, to whom you have so frequently alluded, charged with the offence of murder?—They never were charged with any offence, that I know of.

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3042. Mr. *Solicitor-General for Ireland.*] Did you, when the Hanrattys told you that story of having tendered the 28 *l.*, go to Mr. Bateson, and, as the clergyman of the parish, speak to him on that subject?—I did not.

3043. Did you represent to him, or to any person, that, knowing the character of these people, and seeing so large a sum as 28 *l.* in their hands, you thought it would be a wise thing to take that sum and give them time to pay the costs?—I told two neighbours of the Hanrattys to do so.

3044. Did you tell any one, on the part of the landlord, competent to act, the agent or the attorney?—I did not.

3045. Mr. *Bright.*] Is it the custom for either the Roman-catholic or Protestant clergyman of a parish to be incessantly going backwards and forwards between landlords and their tenants, to settle questions upon the payment of rents?—I never knew an instance of it.

3046. Do you think that Mr. Bateson, whatever may have been his character, would have been likely to receive your interference with satisfaction?—I think he would not; I have had no experience of it, but my belief is that he would not have received my interference with satisfaction.

3047. Mr. *Solicitor-General for Ireland.*] Did you ever speak to Mr. Bateson?—Frequently.

3048. You knew him well?—I did, meeting him occasionally.

3049. Was he living for years in your neighbourhood?—Five or six years.

3050. Describe what sort of a person he was?—My impression as to Mr. Bateson was, that he exacted high rents very harshly.

3051. Was he a harsh man in his manner?—He was rather so; he was not familiar, or would not make much freedom with any person.

3052. Did he speak unkindly to the people?—I heard them say so very often.

3053. In your conversation with him what was his manner?—I had very little conversation with him, except as a member of the relief committee at the time of the famine, admitting people on the relief list, and putting others off. I thought he was rather inclined to put too many off, and I was opposed to him in that respect.

3054. Upon the whole, do you think he was a harsh man?—I thought so.

3055. Do you suppose that he was aware or conscious of that being the feeling of the people; you have heard that he

was

was talking with the people on the road on the day of the murder?—Yes.

3056. Then he could not have been aware probably of the feeling towards him?—I think he was aware of it. He told different persons that there was 20*l.* subscribed to kill him.

3057. Did he ever tell you that?—No; but he told Billy Gray, a care-taker of his, who told me so.

3058. On the day on which he was murdered he walked from the farm on the high road, talking with the people?—I do not know that he did.

3059. Did you hear that?—I did not hear that he had anybody with him on the road.

3060. You did not go to the trial?—I was in Monaghan at the trial.

3061. Did you hear anybody prove the fact that three persons were seen on the road?—Yes, coming back, but not going from the town.

3062. At that time probably he could not have been conscious that he was likely to be murdered?—I do not know.

3063. He was murdered just close to the town?—Within a mile of the town.

3064. Near the glebe?—Yes.

3065. Do you mean to say that there was sympathy exhibited towards Mr. Bateson on that occasion?—I did not hear of any want of sympathy, nor of acts of sympathy, beyond this, that afterwards, when the thing did occur, I heard a rumour through the people generally. When I said that it was a melancholy thing, they would say, "It is indeed; but if it had not happened, we should all have been tyrannised over, or all have been put out," or something to that effect.

3066. What did you say?—I reprobated that doctrine.

3067. Assuming that a man does not get your land, or my land, at a price that he ought to give for it, as a member of a Christian church, you need scarcely be asked whether it is consistent with any notion of Christianity to kill him?—Certainly not.

3068. You said that "the feeling with which the people regarded the murder, whether creditable or not I am not prepared to say, is this, that they looked on the death of Mr. Bateson as a release, because many ejectments were hanging over their heads"?—Yes.

3069. Of course you do not mean to say that that feeling is not discreditable to a man who believes in Christianity, which says that to commit murder is a breach of the commandment

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mandment of God?—It is highly discreditable; that is what I meant to say.

3070. You have stated that you think the society of Ribbonism sprung up as a matter of self-defence?—I think so.

3071. Were you ever present at a Ribbon trial in Ireland?—I think not.

3072. You never heard the informers describe it on their oaths?—I did not.

3073. You said that you had reason to believe that the grand jury of the county of Monaghan were initiated as Orangemen at the assizes the year before last?—Yes.

3074. You grounded your answer upon a statement made in the town by shopkeepers and others?—Yes.

3075. Was the brother of Lord Cremorne on the grand jury?—I do not know who were the members of the grand jury; but I was told that nearly all the members of it were Orangemen. I merely asked the names of the persons whom I knew myself.

3076. Were you at the assizes?—No.

3077. Did you at any time see gentlemen with Orange badges going to the courthouse at the assizes?—No.

3078. Do you know whether Mr. Dawson was on the grand jury for the county of Monaghan at the assizes the year before last?—No.

3079. Was Mr. Ankettall on the grand jury?—I do not know.

3080. You know him?—Yes. I only inquired, when I heard it stated that they had become Orangemen, as to those whom I knew.

3081. Are any Roman-catholic gentlemen of fortune grand jurors in that county?—Mr. Kiernan.

3082. Any others?—A gentleman from Dublin, Mr. L'Anteigne.

3083. And the belief or opinion you expressed was a rumour, as you have stated it?—Yes; as it was stated to me.

3084. You stated that the origin of Ribbon Societies was to be ascribed to an opposition to Orangemen?—That is as far as I know.

3085. In what part of the north of Ireland do you suppose Orangeism is most prevalent?—I do not know much about the north, beyond my own neighbourhood.

3086. Have you ever been far north; in Antrim?—No.

3087. Is there an Orange lodge in your parish at all?—There were two or three lodges.

3088. Is

3088. Is there an Orange lodge in your parish?—I do not know that there is.

3089. You have been understood to state that the cause of Ribbonism arises from the high letting of land?—No.

3090. Did not you say that you thought some of these crimes which you deplored arose from the high letting of land?—Yes; that they resulted from it.

3091. And the lands are let to Protestants, Roman-catholics, and Presbyterians at the same rate?—Yes; I do not know of any distinction being made at present. Some time ago there was a distinction.

3092. Are the Committee to understand that the subscription which was made for the defence of the persons who were charged with having murdered Mr. Bateson was joined in equally by Presbyterians and Protestants?—I heard that.

3093. Mr. *Bright.*] You did not say "equally"?—No, not equally; I heard that they joined in it.

3094. Mr. *Solicitor-General for Ireland.*] Can you name any one person of the Episcopalian Church who subscribed towards the fund for defending the persons charged with the murder of Mr. Bateson?—I do not know it of my own knowledge; I did not see the money paid.

3095. When you have attended the assizes, have you paid much attention to the criminal courts?—No.

3096. You have stated that the Hanrattys' farm from the time they left it has laid idle?—It has.

3097. Nobody has taken it?—Nobody has taken it.

3098. And yet in your parish there is great competition for land?—Not much competition now.

3099. There was great competition?—Not since the bad times came.

3100. There is not much competition?—No.

3101. Do you think it would be safe for a person in that district at present to take Hanratty's farm?—I think it would.

3102. Do you know anything of the adjoining county, Louth?—Louth does not join my county; I border Armagh.

3103. Did you know of M'Intaggart's case?—I saw it in the newspapers, but nothing more than that.

3104. Do you know of persons being murdered in other districts for taking a farm which another man had left?—That is the only one I recollect.

3105. M'Intaggart's case occurred very lately?—Yes.

3106. For doing the very thing which a person might be supposed to be guilty of who should now take Hanratty's farm; namely,

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namely, taking the farm which another man had left; was not that it?—Yes; as I saw it in the newspapers.

3107. You have stated that tenant right does prevail there?—It does.

3108. Is there any tenant right to your knowledge in the south or west of Ireland?—I do not know anything of the south or west.

3109. Sir *W. Somerville.*] What is the usual size of the farms in your district?—I think they average 10 acres.

3110. There are some much smaller?—Yes; some are three acres, but not smaller than three acres.

3111. You have stated that the failure of the potato crop was one of the great causes of emigration?—It was.

3112. Do you think a person could pay rent for a farm of three acres without the assistance of the potato?—I think he could if he got employment for his spare time; three acres of land would not employ his labour and that of his children the whole year round. If he got any employment or wages for his spare labour, I think he could pay a fair rent for it.

3113. What is the usual grain crop which is grown on the land?—Oats.

3114. Is the price of oats much diminished within the last two years?—It is pretty low now; you may buy very good oats now for 7*d.* a stone.

3115. You have known it frequently as low, have you not?—I remember it as low; but there is a wide difference between the times; there were plenty of potatoes then, but they have not potatoes now.

3116. Then you consider the failure of the potato crop the chief cause of the distress?—I do.

3117. Mr. *Scully.*] And that is one of the reasons for a reduction of rent?—Yes.

3118. Sir *W. Somerville.*] Are you a farmer yourself?—I have a farm of 12 acres.

3119. What do you think is the average produce of an acre of oats in your parish?—About six barrels an acre, I think, is a fair average.

3120. What is the quality of the land?—It is light clay land.

3121. Is not that a very low average?—It is.

3122. Would not an improved system of agriculture produce a much larger average?—I am sure that it would; if there was only one crop of oats taken out of the land, I am sure that it would give more; the occupiers take two or three crops.

3123. That

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3123. That would impoverish the land?—Very much; I have seen acres which did not produce two barrels.

3124. Mr. *Scully.*] Why do they continue that mode of cultivation?—I do not think they are able to take more into cultivation.

3125. Have they been forced to continue their cultivation from the high rents?—Yes, endeavouring to grow as much as they could for the market.

3126. It has been stated in evidence that in certain cases emigrants have gone to America in consequence of certain influences being exercised over them by the Roman-catholic clergy, and that one of those influences was the heavy tax they were under for the support of the Roman-catholic clergy; do you know of any case in your district where the Roman-catholic clergy exercised that influence over the people by heavily taxing them?—No; I do not know anything like a heavy tax at all for the support of the Roman-catholic clergy in my part of the country.

3127. Has not the income of the Roman-catholic clergy been much reduced in consequence of the famine?—Yes; I am obliged to live, to a great extent, upon the produce of the ground which I hold.

3128. There is no such thing as a regular tax laid upon them?—None whatever.

3129. And that statement you believe to be quite untrue?—Quite untrue.

3130. Do you know anything of neighbouring counties?—No.

3131. Do you know much of the barony of Farney?—I know a little of it.

3132. Do you know its condition within the last few years?—I travelled through it and saw the state of the houses; there were a great many houses down. When I was curate there, there was one townland in which 28 families were living; and the other day I passed through it, and there were only four houses.

3133. To what do you attribute the change?—I inquired the reason of so great a number going away, and they said they were all evicted; that some had gone to America, and some were in the poorhouse.

3134. Are there many unlicensed spirit-houses in your parish?—I do not know more than one or two which are unlicensed.

3135. Are there many licensed publicans in the town?—There are a good many licensed publicans in the town.

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3136. Do you know anything against them as publicans; were they ever accused of any crime?—I never heard or knew of anything against them; on the contrary, they are most industrious, and most ready to assist the poor in every way, and they contribute largely to the support of the clergy, and everything else.

3137. With respect to Ribbonmen, are they generally frequenters of the chapels?—Any that I know to be connected with Ribbonism generally, do not attend my chapel; they never attend any other religious duty, such as confession or communion, because they could not be admitted until they had renounced Ribbonism.

3138. Then you believe they are not generally of good character?—Yes.

3139. Are they generally composed of the lower class of people?—Yes generally tradesmen and low labourers.

3140. Common workmen?—Yes.

3141. Did you ever know any come into your parish on the drainage works or other public works?—Yes; at the time of the railway being constructed I found that Ribbonism was endeavoured to be propagated in the parish; I cautioned the people publicly against joining them; I got the names of one or two who were endeavouring, as ringleaders, to propagate Ribbonism; I sent them a message privately to go away, and that if they did not go away, I would report them to their employers, and denounce them to the Government.

3142. Since that time has Ribbonism decreased?—Yes; for two or three years I have not known any instance of it.

3143. Can you suggest any measures to be taken by Government or by the Legislature to put a stop to Ribbon Societies?—I do not know that Ribbonism exists in my immediate neighbourhood; I am sure I am safe in saying there are not three persons in the parish connected with it.

3144. Do you think that any measure is necessary to be taken?—When a thing does not exist, I do not see that any measure is called for. I suspect that it is supposed to be more extensive than it really is.

3145. Mr. *O'Flaherty*.] Do you know the original number of acres of Markey's farm, to which you have referred?—I think it is 15 acres.

3146. How many acres of that farm remain in their natural state, unimproved?—About three or four acres.

3147. Are the Committee to understand that the present letting price of 25 *s.* an acre extends over the whole farm of 15 acres?—It does.

3148. Notwithstanding

3148. Notwithstanding there are three acres of it in its original state?—Yes.

3149. *Chairman.*] Does the Ribbon system exercise great intimidation over the lower classes in you district?—Not that I know.

3150. How do you account for this, that when murders are committed in the daylight there does not seem to be any assistance given by the country people?—I never knew any assistance withheld. In the instance of Mr. Bateson, which is the only crime that occurred for years in the parish, it was given.

3151. How do you account in the case of Mr. Bateson that people could commit that murder so near the town and escape in the mid-day?—It was near night; it was at half past four on a winter's day.

3152. Was it dusk?—Nearly dusk; and besides, as the witnesses for the Crown proved, they took off the road immediately after doing the deed, and no people met them; no one saw them except at a distance.

3153. Was there a hot pursuit by the constabulary?—Not any; Mr. Bateson was taken into the town as soon as the coach drove up, which was about a quarter of an hour after the occurrence; he was taken into Castleblaney to his lodgings, and after that the police went out, but it was three or four hours after the murder was committed.

3154. Does the Ribbon system prevail largely in that district?—I do not think it does; I think I should be safe in saying there are not three persons connected with Ribbonism in the parish.

3155. Or in the adjoining parish?—I have not any knowledge of the adjoining parish.

3156. You are not aware of its pervading largely that district?—I do know that it does not.

3157. Then what illegal societies are alluded to in the Pastorals to which you have referred?—Ribbon Societies, I think.

3158. You have mentioned that in your parish you read the Pastorals from the altar?—The priest in every parish gets a copy.

3159. According to that Pastoral letter, where those societies exist they are very inconsistent with the peace and prosperity of the country?—Yes.

3160. Do not you think it desirable that whatever law is needed for the purpose of putting them down should be exerted?—If they existed, it would be well to use every means to put them down.

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3161. If the Pastorals would not have the effect of doing it, do not you think it would be desirable to use all the power of the law?—If the societies exist, unquestionably it would. I think every means should be adopted to put them down wherever they exist.

3162. Is it your opinion that they are utterly inconsistent with the prosperity of the country?—Yes; and its moral and social wellbeing too.

3163. Does not the habit of the lower class of people banding together in secret societies demoralize them very much?—Yes.

3164. So much so that they are cut off from the sacraments?—Yes.

3165. Are there other priests in your parish?—I have a Roman-catholic curate along with me.

3166. Do you know of your own knowledge of any instance in which they have been obliged to go to that extreme remedy, and deprive persons of the sacraments of the Church?—They are always refused the sacraments unless they promise they will not be connected with it in future.

3167. They are refused the sacraments for being members of these secret societies?—Yes.

3168. Is any return made to the bishop, of the names of persons connected with secret societies?—Never.

3169. In what way did you become acquainted with the names of persons who are members of secret societies?—When I have a number of persons preparing to go to confession I ask them questions upon Christian doctrines, and I ask them whether they belong to any illegal society, or not.

3170. In point of fact, have you ever been obliged to resort to that extreme remedy in your parish?—Yes; seven or eight years ago I was obliged to do so.

3171. Latterly?—Not for the last three or four years.

3172. Not during the time of the distress?—Not once.

3173. It was before the pressure of the times began that these secret societies existed?—They were more prevalent when the railroad was in making than they have been in the last three years.

3174. If the object of Ribbonism is to reduce high rents, how do you account for the circumstance that they existed in greater numbers before the pressure of the times, when the rents were equitable?—I do not admit that the object of Ribbonism is to put down high rents; I never said that.

3175. These societies might exist, and, in point of fact, did exist at a time when the rents were not high?—Yes; owing to the

the rise of Orangeism, and the difference of parties, they did exist.

3176. Did you ever know of their existence in parts of the country where there is not Orangeism?—I do not know any part of the country where there is not Orangeism.

3177. Do you know that they exist in part of the south and west of Ireland?—I do not know it.

3178. Did you ever hear that they have existed in Sligo and different counties in Ireland?—I read, I think in the newspapers, something of it, but I do not know anything of it.

3179. Did you ever hear of that?—Only from seeing it in the newspapers.

3180. Can you suggest anything with regard to a change in the law which would appear to be important for the suppression of illegal societies?—I do not know anything at present; as I have mentioned already, they do not exist where I live.

3181. There are two curates of yours in Castleblaney?—One curate.

3182. Mr. *Leslie.*] There have been Orange societies in the parish were you live?—Yes; there were two or three years ago lodges in the parish; I used to see flags hanging at the windows.

3183. Are there any lodges in your parish now?—I do not know of any at present.

3184. *Chairman.*] Are you aware whether your curate contributed towards the subscription of which you have spoken?—As far as my knowledge goes he did not.

3185. Mr. *Scully.*] Do you know much of the Presbyterians in your parish, or do you mix much with them?—Not more than when I meet the clergyman I have a conversation with him; I know the farmers through the parish.

3186. Do they entertain a very strong feeling upon the land question?—I think quite as strong as the others; I do not think it is confined to any sect or creed; I think they feel the badness of the times as much as the others.

Veneris, 7° die Maii, 1852.

MEMBERS PRESENT.

Mr. Solicitor-General for Ireland.	Sir William Somerville.
Mr. Henry Drummond.	Lord Naas.
Mr. Scully.	Sir John Young.
Mr. Goold.	Mr. Keogh.
Mr. Hatchell.	Mr. Leslie.
Mr. Bright.	Mr. Fortescue.
Mr. O'Flaherty.	Mr. Caulfield.
	Mr. Barnes.

THE ATTORNEY-GENERAL FOR IRELAND, IN THE CHAIR.

James Major, Esq., called in; and further Examined.

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3187. Mr. *Scully.*] YOU were asked, in your former examination, whether you could give the Committee any idea of the number of persons who were served with ejectments in the county of Monaghan during the last five or six years, and of the number of ejectments?—All the cases which come into court are entered in a book called the ejectment book.

3188. Can a return of the number be given? — The number can be obtained from the book. They are entered in this way: there is the plaintiff's name as plaintiff, and there is the defendant's name, or the person against whom the ejectment is brought. You are aware that the proceeding by ejectment in the superior courts, is brought in feigned names, but in a proceeding by civil bill, the names of the real parties are used as plaintiff and defendant; for example, the owner of an estate would be the plaintiff, and the person against whom the ejectment was brought would be the party against whom the proceeding was taken, either for non-payment of rent, or upon a notice to quit.

3189. Mr. *Baines.*] You have no "John Doe" and "Richard Roe"?—No; as entered in the ejectment book, the names of all the parties, both defendant and plaintiff, appear. I was asked the other day with respect to the number of ejectments which had been brought by particular persons.

persons. That can easily be ascertained. Taking one particular case, the entry would be this: Lord Templetown against such a number of persons, whatever their names may be, as defendants; therefore it could be ascertained at once, from the return of the clerk of the peace, how many ejectments were tried; but not how many were brought, because a great number are brought which are not brought into court, being either abandoned by the plaintiff altogether, or the parties have not put their landlords to the expense of a proceeding, and have given up possession or paid the rent. A great number of ejectments are served which are not proceeded on, being settled.

3190. Mr. *Scully.*] Could a return of those be obtained?—That would be impossible. The course is this: the service of the ejectment is entirely the act of the plaintiff in the ejectment; the ejectment is filled up according to a form which is given by the Act of Parliament, and that ejectment is required to be signed by an attorney, who is the person employed for the purpose of moving the ejectment in court. Those ejectments which are settled, or those which are abandoned by the landlord, never appear in the book of the clerk of the peace at all. A great number more ejectments are served than are proceeded on.

3191. In point of fact, in the majority of cases?—I should say in nearly three to one.

3192. Of the number of civil bill processes, a return could be obtained?—Yes; and in the same way, of those which are entered; but a vast number may have been served which have not been proceeded on at all.

3193. Mr. *Keogh.*] Has it ever come to your knowledge, that although those ejectments are withdrawn, the agent or bailiff has exacted the costs, just the same as if the proceeding had gone on?—I am not aware of that; I should not be likely to know that.

3194. It has never come under your notice?—No.

3195. Mr. *Bright.*] Have you ever heard any complaint that such has been the practice?—No; I cannot bring it to my recollection at the moment; I think I recollect a complaint of bailiffs, or of a bailiff, serving ejectments which he had no authority to serve.

3196. Mr. *Keogh.*] In order to exact money in the way of caution money, or bribe money, from the tenant?—I suppose, with some object of that kind.

3197. Mr. *Solicitor-General for Ireland.*] Did you make any inquiry for the purpose of ascertaining, as near as you

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could, the number of ejectment decrees in your county, within the last few years?—There have been a great number of ejectment decrees in my county within the last five years; and particularly, I should say, for one division of the county.

3198. Which division?—The Castleblaney division.

3199. And not from the other division?—A great number also in the other division, but not in the same proportion; those ejectments were principally from two very large estates in that division which are familiarly known, I think, as the Shirley estate and the Bath estate.

3200. Is the Bath estate the estate over which Mr. Kennedy was agent?—Yes, but he is not agent at present.

Rev. *Michael Lennon*, called in; and Examined.

Rev. *M. Lennon.*

3201. Mr. *Bright.*] ARE you a Priest of the Roman-catholic Church?—Yes.

3202. Will you state to the Committee where you reside?—The parish committed to my charge is Upper Creggan, in the barony of Upper Fews.

3203. What county?—County Armagh.

3204. How long have you resided in that parish?—I have had charge of the parish as parish priest since the year 1829; I was curate nearly five years before; so that I have been something above 27 years in that parish.

3205. How far is your place of residence from Crossmaglen?—I reside immediately adjoining the village of Crossmaglen.

3206. How far are you from Castleblaney?—About six miles from Castleblaney.

3207. Have some of the districts of the county of Armagh been recently disturbed, and particularly with agrarian outrage?—About two years ago some very bad cases of outrage occurred there, and one particularly; but for the last two years I think that district has been comparatively very tranquil.

3208. Are there not some neighbouring districts in which outrages have taken place more recently?—There are in the county of Louth, not very far from that place, in the barony of Upper Dundalk; and also in the barony of Upper Orier, in the county of Armagh.

3209. Is there anything peculiar which you wish to state to the Committee, as to the nature of the land or property in the district in which you live?—The district is very peculiarly circumstanced; the land is of a very inferior description.

tion. There have been no resident land-owners or agents upon it; there are no manufactories and no machinery of any description which would afford employment.

3210. To what extent of district does that observation apply?—It refers to a very large district of country; in fact, nearly the entire barony of Upper Fews, particularly the southern part of it.

3211. Mr. *Caulfield.*] Are you alluding now altogether to your own parish?—I am alluding to the barony. My parish is in the barony. A part of the parish is in Upper Dundalk; and the other part is in county Armagh; but I am taking the barony generally. In the lower part of the barony, about Kead, eight or ten miles from where I live, there is a good deal of employment.

3212. Is Kead in your parish?—It is not.

3213. Mr. *Bright.*] Is the land in your barony generally fertile and well circumstanced, or the contrary?—The contrary.

3214. Is it mountainous?—The greater part is mountainous land. It is not exactly bog; but there is boggy ground interspersed in different parts of it. I saw a description of it some years ago in Guthrie's Gazetteer, and he states it to be a ridge of mountains between Newry and Carrickmacross.

3215. He did not, perhaps, refer to the state of cultivation?—At that time I think it was very imperfectly cultivated, and a great deal of it waste. The old people say that it was all reclaimed; and it is still in progress of reclamation every year, either by the present occupiers, or the people who went before them; it is stated that nearly the whole of that part of the country is reduced to a state of cultivation from a very barren soil.

3216. Are those improvements carried on by the owner, or at his expense, or through his agency, or entirely by the tenants?—Entirely by the tenants. I never knew a landlord to expend any money in reclaiming barren soil.

3217-18. What is the description of tenure upon which the tenants hold their property. Have they leases for lives, or any description of leases, or is it a mere tenancy from year to year?—When I first went to that part of the country, about 27 years ago, the people generally had leases. The leases, for a great proportion of that district, were for lives and for years. I believe the last two lives in the leases were the lives of the late reigning sovereigns; and at the expiration of those leases I never knew a landlord to give a lease of a farm.

3219. Is

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3219. Is that discontinuance of the practice of giving leases observed to prevail equally with Episcopalian, Presbyterian, and Catholic holders of land, or does it apply chiefly to Catholics?—It extends to all. I do not know of any persuasion getting a lease.

3220. What is the extent of your own parish in breadth and length?—I should think, from one end to the other, in one direction, it is between eight and nine miles.

3221. Is that north and south, or east and west?—Rather east and west.

3222. What is it in the other direction?—North and south, it is, I suppose, between five and six miles.

3223. Irish miles?—Yes.

3224. Do you know the population of the parish?—In 1835 there was a census taken, and I think at that time the population of the parish was above 2,000 families.

3225. Would that be equal to about 10,000 or 11,000 in population?—I think so. I took the census myself; and as far as my memory serves me, it was about that number.

3226. Considering there would be an increase of population from that period up to 1845, and from 1845 to this time a decrease, would you say that the population remained very much what it was in 1835?—On the contrary, I think the decrease is very considerable.

3227. Even since 1835?—Certainly; and particularly since 1845.

3228. Is that population chiefly of the religion of the church to which you are attached?—It is.

3229. The majority are Catholics?—They are.

3230. Will you say that three-fourths of them are Catholics?—More.

3231. What are the rest?—At the time I refer to a census was taken by the Protestant rector, the Presbyterian clergyman, and myself; and I think, according to the numbers, at that time there were from 20 to 21 Catholics against all other persuasions in that particular parish. I recollect comparing numbers with the clergyman engaged in the census with me, and that was something about the relation in which the numbers stood.

3232. Confining yourself to your own parish, with which you are more minutely acquainted, is the land in the hands of a few proprietors or of many?—There are a good number; I think there are 26 landlords altogether, holding land in the parish; but there are only a few holding large properties.

3233. Who

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3233. Who are the large landed proprietors?—One of the largest landed proprietors is Mr. Thomas P. Ball.

3234. Does he reside in England?—He resides in London, I believe.

3235. Who else?—Mr. M'Geough Bond.

3236. Does he reside in the neighbourhood?—Not in the neighbourhood; he resides north of Armagh.

3237. How far from the place where this property is situated?—I do not know how far he lives below Armagh; but Armagh is 16 miles from where I live. He lives, I suppose, about 18 or 20 miles from this particular part where he has the property.

3238. Has he any house on the property?—He built a shooting lodge, intending it for a summer residence occasionally.

3239. Has Mr. Ball a house on his property?—He has a house, but he has never lived in it. There was a family residence built 50 years ago, but it is untenanted and the place is waste.

3240. Who else are large proprietors?—Mr. Reed, of Rahans, has considerable property; Mr. O'Callaghan has considerable property, and there is another property which is owned by three landlords, Tipping, Hamilton, and Jones; it is an undivided property.

3241. What proportion does the property of those five proprietors bear to the whole of the parish; do you suppose it amounts to three-fourths of the parish?—Indeed I think it would be something about that; I am not very positive.

3242. Mr. *Caulfield.*] Is not that joint estate in the courts?—It is.

3243. Mr. *Bright.*] You stated that these cultivators made whatever improvements were made on their land?—Entirely so.

3244. You believe that, speaking generally, all the houses in which the farmers live in that parish, have been built by the farmers, and not by the landlords?—Entirely by farmers.

3245. And that whatever has been done of fencing, draining, clearing away rocks, or reclaiming bog, has been done always by the tenants?—Altogether by the tenants.

3246. Are you aware whether, as these tenants are holding from year to year and not on leases, that when farms have become more valuable from the expenditure of labour upon them by the tenants, it has been the custom, occasionally or generally, of landlords or agents to put an increased rent on the land?—I would say universally. I never knew any allowance

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allowance made for improvements made by the tenants. It is universally the custom, at the expiration of a lease, where there is a new valuation and a new survey, that the landlord takes no account of the expenditure of the tenant.

3247. If a man went on improving his farm for five or six years, would there be any danger that the agent would ask for an increased rent from him, or would take an increased rent from somebody else who offered it?—At the expiration of a lease it was the usual custom, in that part of the country, to send a surveyor and valuator (the person who was sent was both one and the other); an account was taken of the state of the farm at the time the valuation was made; and generally it was found that an addition was made to the farm during the tenancy, and the valuator just laid a rent on the land according to his judgment, as it then appeared.

3248. As leases have not been granted for the last 20 years, and as they chiefly expired, as you have stated, at the death of William the 4th, we will confine our attention to those who have no lease, the tenants at will. In their case, are they subject to occasional advances of rent, in consideration of the improvement of the land made at the expense of the tenants?—Sometimes a valuation is made in the way you advert to on the farms of tenants at will; but what I said before referred to the time when the lease expired, and then a valuation was made according to the appearance which the land presented at the time. I know, in other cases, that where land was improved, it was considered that too low a rent was paid; a valuation was made and additional rent put on the land, according to the improvements which had been made.

3249. Suppose a man took a farm of 20 or 50 acres in your neighbourhood, on the usual custom, without a lease, and that he was very industrious and improved the fences, drained the land, put on lime and manure, and very much improved the condition of the farm, would he have any certain ground of belief that, if he went on doing that, he would run no risk of his rent being raised?—He would have no security; I may say, at the same time, that ejectments have not been very general, but this is the way, I conceive, he would run the risk—that he subjects himself to an increased rent.

3250. The question put to you was, whether, in many cases, tenants have been subjected to increased rents, in consequence of improvements which they have made?—I have known several cases where they have been subject to increased rent.

3251. If

3251. If there were half-a-dozen cases, or two cases, in your barony, in which the rents were so raised, would not that be likely to have a very pernicious effect on the whole tenantry of the barony, in deterring them from improvements, from an apprehension of being served in the same way?—Most unquestionably.

3252. Would you say that there is generally among the tenantry, a feeling of security in the improvements of any kind, which they may make on their farms, or otherwise?—On some properties, where the landlord has not been in the habit of putting the people away, in the event of their falling a little into arrear from bad seasons, or occasions of that sort, there is security, more or less; but on other properties, where ejectments are the usual way of recovering rents, there is no security at all; it depends greatly on the character of the landlord.

3253. During your residence there of 27 years, have you observed that the competition for land has been great?—Very great; and I think owing to the causes that I referred to; that between the occupation of land, and in fact, starvation, there is no alternative; there is no other way to maintain subsistence in that part of the country, except by what is derived from the occupation of a few acres of land.

3254. Under those circumstances, does the tenant cling to his farm whatever may be the disadvantages in which he is placed, or the rent which he may be called on to pay, so long as he can obtain a bare subsistence from its produce?—I would say that is the universal disposition, no matter what is the rent that is fixed upon it, in the hope of being able to pay, and in the expectation also of better times; and for various reasons, the disposition is to cling to the farm as long as it is possible to pay the rent.

3255. Is it your opinion that the tenants have made great efforts, and great sacrifices, and suffered many privations, in order to realize the rent which they had contracted to pay?—I have no doubt at all of it; I know cases where the rent was very high, and where it was utterly impossible that the rent could be paid from the produce of the ground, where the children, as they grew up, went to service, and the father of the family and some of his grown-up sons came to England at harvest time to earn money to make up the rent; and they keep on paying the rent in that way for years.

3256. Even when, according to your belief, the whole produce of the soil would scarcely be sufficient to pay the rent?—

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rent?—It would not be sufficient if the whole produce were sold, with the exception of the potato crop, which the people generally lived on.

3257. Have there been some cases recently in your neighbourhood, where property has been transferred from the management of the agents of the property to receivers under the Court of Chancery?—A good number.

3258. There is the property on which Mr. Mauleverer was unhappily murdered some years ago; is that the property which you have mentioned as now belonging to Jones, Hamilton and Tipping?—Yes.

3259. Since Mr. Mauleverer's death, has that property come under the management of the Court of Chancery?—It has.

3260. Are you able to tell the Committee whether on coming under the Court of Chancery any course was taken by the Chancellor to comply with the request of the tenants for a more moderate rent?—There was a re-valuation made by order of the court, and a very great reduction was given on the property; the arrears were ordered to be blotted out, and a receipt given to the tenants on the payment of a year's rent on the new valuation.

3261. When was that?—Last year there was a new agent appointed, and he brought this valuation and placed it before the tenants, and it gave them great satisfaction.

3262. Mr. *Solicitor-General for Ireland.*] What is his name?—Mr. Moore, of Moore Lodge.

3263. Mr. *Keogh.*] Was that after Mr. Mauleverer's death?—Yes.

3264. Mr. *Bright.*] Are there any other cases on that estate, or any other estate, which you can present to the Committee as to the amount of reduction?—On that particular estate I do not know; I have not seen Mr. Moore, and I could not get a view of the new compared with the old valuation; but I know the reduction is very great, that the tenants are very well satisfied, that the agent has received his rent, and that a very good understanding exists between him and the tenantry.

3265. With regard to any other estate, or any particular farm on any other estate, can you give the particulars of the reduction, in consequence of the representation made to the Court of Chancery?—Yes; I know that on the O'Callaghan property, which has lately been put into Chancery, and a revaluation ordered, that in a great many instances the present rent is not one-third of what is formerly was. In

some

some instances it is not half; in others it is half; but in others it is a little better than half. Altogether, I know that the present valuation is not half what the tenants were in the habit of paying years before, and did pay very correctly. I could instance cases, and show the receipts.

3266. Have you vouchers or receipts for any of these farms?—I have.

3267. Will you state them to the Committee?—Yes. I have a receipt of a man named Michael Byrne.

3268. Is that under the old system?—Yes; and I have one or two receipts under the new system.

3269. Are you quite certain that the quantity of land is the same, and that is the identical farm about which you are speaking?—Yes; it is the very same.

3270. Will you state what was the rent for half a year, or a year, as the case may be, under the old rents, and give the date?—The old yearly rent was 17*l.* 2*s.* 2*d.*

3271. Sir *W. Somerville.*] What was the extent of the farm?—I really do not know the exact extent. Of course it is not mentioned in the receipt; but the round sum was for the farm he held, and the very identical farm he holds now.

3272. Mr. *Bright.*] Do you know the farm?—Yes.

3273. Have you been over it?—I have travelled over it several times.

3274. Can you tell the Committee what you should suppose to be the size of it, and whether it is 10 or 15 acres?—I should think it is between 10 and 11 acres; I think it is not more than that.

3275. Read the whole of the old receipt and give the date?—The date of this receipt is 1845, and the half year's rent is 8*l.* 11*s.* 1*d.*, signed by Thomas Johnston, who was agent at that time on the O'Callaghan property.

3276. Is it called a half year's rent?—Yes.

3277. Turn to the half year's rent of last year?—The two halves make the sum of 17*l.* 2*s.* 2*d.* The present rent is 6*l.* 17*s.*

3278. Read the old receipt?—"No. 103. Received from Michael Byrne the sum of 8*l.* 11*s.* 1*d.* sterling, on account of the rent of his holding in Rassan, payable to me as receiver in this cause, and ending 25 March 1844. Dated this 9th day of January 1845."

3279. Read the other?—"No. 103. Received from Michael Byrne the sum of 8*l.* 11*s.* 1*d.* sterling, on account of the rent of his holding in Russan, payable to me as receiver in

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in this cause, and ending 29th September 1844. Dated this 12th day of June 1845." That is the preceding half year.

3280. When does the one you read first end?—Twenty-fifth March 1844.

3281. You observe that it is "on account of the rent." Did you get those receipts from Michael Byrne?—I did.

3282. Did Michael Byrne tell you that 8*l.* 11*s.* 1*d.* was the half of his yearly rent, being the rent for one entire half year?—I did not ask him. The usual times when the rents were paid were the 25th March and 29th September. Those were the rent days.

3283. Are you fully satisfied in your own mind that those two receipts being for exactly the same sum in each half year make up the year's rent?—Yes.

3284. Have you any other receipts from the same Michael Byrne relating to the rent of the same farm at a more recent period, and since the re-valuation under the Court of Chancery?—I have. "Received from Michael Byrne the sum of 6*l.* 17*s.* 11*d.* sterling, being one year's rent of his holding due me as receiver up to the 25th March 1851. Dated 27th October 1851." Signed, P. J. Byrne.

3285. Mr. *Keogh.*] Then was he not paying 11*l.* a year over the value?—He was. This is the new valuation.

3286. Mr. *Bright.*] Have you more than one receipt under the new valuation?—No.

3287. Did Michael Byrne give you all the receipts you have produced?—He did.

3288. Mr. *Solicitor-General for Ireland.*] Of how many acres does the farm consist?—I think between 11 and 12; I am not positive.

3289. Mr. *Bright.*] Have you any other receipts, to show the difference in the rent charged before the valuation and the rent charged since the valuation?—I have.

3290. Will you be kind enough to take another case, and read the receipt to the Committee?—"No. 31. Received from John Murtha the sum of 4*l.* 18*s.* 3*d.* sterling, on account of the rent of his holding in Shealagh, payable to me as receiver in these causes, and ending 25th March 1846. Dated 18th day of December 1847." Signed, "Thomas Johnston."

3291. Have you another receipt?—Yes, I have another receipt of the same amount.

3292. Is it for a year or for half a year?—Half a year.

3293. Read the second receipt of the same amount?—"No. 31. Received from John Murtha the sum of 4*l.* 18*s.* 3*d.* sterling,

sterling, on account of the rent of his holding in Shealagh, payable to me as receiver in these causes, and ending 29th September 1846. Dated 24th day of December 1847." Signed, "Thomas Johnston."

3294. Have you got a receipt from the same tenant, (Murtha) at a more recent period, since there has been a re-valuation and a reduction of rent?—Yes.

3295. Will you read that receipt?—"No. 187. Received from John Murtha, the sum of 1 *l.* 14 *s.* 2 *d.* sterling, being one half year's rent due to me as receiver in these causes, and ending the 25th day of March 1851. Dated this 15th day of December 1851. Signed, P. J. Byrne."

3296. You are sure this Murtha is the same man to whom the receipts were given in the years 1846 and 1847?—Yes.

3297. Have you any other cases to show a reduction of rent?—I have another receipt on this property.

3298. Read it?—"No. 29. Received from Hugh Murtha the sum of seven pounds, twelve shillings, and four pence, sterling, being on account of rent due and payable to me, as receiver in these causes out of Shealagh, ending 25th day of March 1848. Dated 16th day of January 1849. Signed, Thomas Johnston."

3299. Will you read the receipt since the new valuation?—"No. 157. Received from Hugh Murtha, the sum of three pounds, nineteen shillings, and eightpence sterling, being one year's rent of his holding at Shealagh, due to me as receiver in these causes, and ending the 25th day of March 1851. Dated this 24th day of November 1851. Signed, P. J. Byrne."

3300. Mr. *Keogh.*] Was he not paying 5 *l.* a-year over the value of the land?—Yes.

3301. Mr. *Bright.*] Had you any conversation with Murtha about this matter?—Not on that particular business.

3302. In conversation with him, did you understand that the first receipt was for a year's rent; and that the second, which is so much reduced, was also for a year's rent, and on the same farm?—I did.

3303. Do you think he is a man who was probably in arrear at the time?—I think not; I think he is the best paying tenant on that townland.

3304. Have you any other cases of this sort on any other property?—I have, on another property.

3305. Are all the cases that you have already given us on Mr. O'Callaghan's property?—They were.

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3306. What is the property you are coming to now?—The property I am now coming to is the glebe property.

3307. Belonging to the rector of Castleblaney?—No; to the rector of Creggen.

3308. *Chairman.*] What is his name?—Mr. Flavell.

3309. Mr. *Leslie.*] Mr. Flavell never lived there?—No; but he went to the place, and was making preparations to live there; he ordered a valuation to be made of the property, with the intention of living there; and he put a crop into the ground.

3310. Mr. *Bright.*] Is the glebe property a large property?—It is considerable; I think it is over 300 acres.

3311. What is the rectory considered to be worth?—I think the tithe composition of the rectory was 1,050 *l.*, besides the glebe land; a farm attached to the glebe was about 60 acres, or above it; and the ground inhabited by tenants, I think, is over 300 acres.

3312. Did good things shower upon this gentleman so much that he had not even time to take possession of this living before something better was offered him?—He had full time to take possession; the glebe-house was in a rather dilapidated state, and not fit to be inhabited; he lived at Armagh, and came occasionally to preach in the church; Armagh is not very far away.

3313. Mr. *Leslie.*] Was he translated to a better living?—I really am not prepared to say whether it is a more emolumentary living or not; it is the living of Loughall.

3314. Mr. *Keogh.*] Did you ever know a man to go to a worse living?—It is not usual.

3315. Mr. *Leslie.*] You are not aware that the living of Loughall is a worse living?—No.

3316. You say it is not so good a living as Creggen?—I would not say that; generally, men are not promoted to worse livings.

3317. Mr. *Keogh.*] Is that a living which is co-equal with your parish?—Yes; he had a larger range of jurisdiction than I have.

3318. You said that the Catholics in that district were as 20 to 1 of all denominations of Protestants?—Yes.

3319. Is not that district a Presbyterian country?—Not very Presbyterian; but there are more Presbyterians than Protestants.

3320. Would not the proportion be about 40 to 1 as regards Catholics and members of the Established Church?—Indeed,

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—Indeed, I think it would be very near it; the proportions were 20 to 1 against Presbyterians and Episcopalians.

3321. Lord *Naas.*] When?—In 1835; the census was ordered to be taken by clergymen of every persuasion; and I recollect we agreed perfectly. Dr. Atkinson was rector of the parish at the time; Mr. Brown was the Presbyterian clergyman; and we compared our results for the commissioner who was appointed to take the census.

3322. And your flock was 20 to 1 against the union of the others?—Yes.

3323. Mr. *Keogh.*] The Presbyterians and Dissenters being more numerous than the Established Church, was not the proportion as 40 to 1 at least of Catholics, as against members of the Establishment, in 1835?—I think the Presbyterians, as near as I can recollect, were nearly double the number of the Episcopalians.

3324. Would not that lead to the Catholics being as 50 to 1, in proportion to Episcopalians in 1835, on those figures?—I think it would from the figures.

3325. And the emoluments of this gentleman, you have stated, were 1,000*l.* a year?—1,050*l.* was the composition.

3326. Besides the 60 acres of prime glebe land?—Yes.

3327. And 300 acres under tenants?—Yes.

3328. Did the gentleman live in the district?—The old gentleman did.

2329. The young gentleman?—The old rector died in March 1851, I believe. His successor did not come to reside until he was translated to another parish.

3330. £.1,050 in cash; 300 acres under tenants; what would you average that as producing? Does it produce 200*l.* a year?—Yes, and more. The 60 acres of glebe is a great deal better land, I think, than that which is let to the tenants.

3331. How much would you say the tenants paid?—I should say the rents would come to better than 300*l.*

3332. At what would you value the 60 acres of glebe?—If they were let at the same rent at which the land was let to the tenants, I think the value would be very nearly, perhaps, another 100*l.*

3333. Then that would be 1,450*l.*?—Yes.

3334. What was the exact numerical strength of the Roman-catholics at that time?—It was over 2,000 families.

3335. How many do you allow to each family?—Five, I think, was our general average.

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3336. Then that would be 10,000 Catholics?—Yes, and more.

3337. How many Episcopal Protestants would there be at that proportion?—I think about 500 Protestants of all denominations, speaking from recollection.

3338. Then this gentleman had, for the cure of souls in that district, at the rate, had he not, of 3*l.* per head?—I should think about that.

3339. Will you allow me to ask you (and if you are indisposed to answer the question you will say so) what, on the average, would be your emoluments for ministering to the spiritual wants of the 10,000 Catholics in 1835?—I never kept a regular account of that matter.

3340. Had you 1,000*l.* a year?—I am sure I never had 200*l.*

3341. Mr. *Bright.*] Will you proceed to give the Committee the other receipts from the property of the glebe land in your parish?—Yes; the account I am now going to give was furnished by the valuator and surveyor, and his name is signed to it.

3342. Will you give the particulars of it?—It is made in January 1852, with the agent's concurrence, and also of Mr. Flavell and his tenantry.

3343. Does it comprise an account of a great number of farms?—It does.

3344. How many?—Twenty-six farms.

[*The Witness delivered in the following Document:*]

A LIST of the TENANTS in *Cregganbane* Glebe, in the ELECTORAL DIVISION of *Crossmaglen*, with the Amount of their respective RENTS up to March 1851, and the Amount of their present Rent by the late Valuation in January 1852.

NAMES OF TENANTS.	Amount of Rent up to 1851.			Amount of Rent at Present.		
	£.	s.	d.	£.	s.	d.
Thomas M'Shane and Son	-	-	-	3	18	4
Thomas Kelly	5	19	8	2	4	9
Michael Kelly	4	14	8	1	14	6
Henry and Patt M'Shane	2	10	8	1	5	10
Felix Burns	2	2	–	–	17	7
Bryan Burns	2	12	–	1	9	11
Thomas Burns	1	13	2	1	3	2
Peter Burns	1	13	2	–	16	3
Bryan Hughes	7	4	–	2	9	9½

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NAMES OF TENANTS.	Amount of Rent up to 1851.	Amount of Rent at Present.
	£. s. d.	£. s. d.
Widow Begly	6 17 6	6 5 10½
John Begly	5 6 6	2 5 5
Daniel Begly	5 12 –	2 18 1½
Cormac M'Carm	3 12 6	1 8 6
Widow Hearty	4 – 10	1 7 8½
Michael (of Tom) Hearty	2 13 –	1 2 2½
Patt Hearty (short)	2 18 –	– 17 4
Francis Hearty	4 16 –	1 10 –
Patt Murray	14 19 5	8 11 2½
Patt Short	10 15 –	5 14 2½
Edward Murtaugh	9 1 8	4 3 6
Patt Hearty (long)	4 5 10	1 – 8
Edward Hearty	3 14 4	1 10 6½
John Wright	5 6 –	2 8 8
Edward Murtagh (Emy)	10 7 2	3 10 6
James Murtagh	10 7 2	4 3 5
Jeremiah Jeffers	5 10 –	1 17 6

I certify that the above list is correct.

(signed) *Isaiah Rowland,*
Surveyor and Valuator.

Newtown Hamilton,
30 April 1852.

3345. Who signed that paper as the valuator?—Mr. Rowland.

3346. Is Mr. Rowland considered a competent man for his office as valuator?—He is. He is valuator under three divisions of the Poor Law Union of Castleblaney.

3347. And a gentleman in whom all parties would be disposed to place confidence on a matter of this kind?—Entirely; and he is an Episcopalian Protestant.

3348. Have you some receipts connected with that property?—I have.

3349. Have you any receipts connected with any other property besides the glebe?—I have not.

3350. Have you any other vouchers or papers of any kind which you wish to put in?—No; I do not know of any which it is necessary to put in. I have a paper showing the number of evictions which took place on the O'Callaghan property, where a very unfortunate murder occurred.

3351. Is it your opinion that this exorbitant rental, which has been expected from the tenants, as you have described,

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on these properties, has been until recently, more or less the case over the principal portion of your district?—It is over, I may say, the entire district.

3352. Do you know of any exceptions, within your knowledge, which you can state to the Committee, where these exorbitant rents have not been demanded?—I never knew any case where they were not demanded; they are all expected to be paid.

3353. Can you state whether there are any properties in your district where the rents for the last five or six years have been only equal to the rents under the new valuation?—No; they were all far and away above the new valuation in every instance.

3354. Those rents which have been thus exorbitant have, nevertheless, for many years been paid, excepting such arrears, here and there, as accumulated; is that the fact?—Yes.

3355. And during the last four or five years, especially since the famine, have the circumstances of the people been such as to make it no longer possible for them to pay these rents?—As long as it was possible for them to pay I think they did pay, and were made to pay in a great many instances; but latterly, I know that a great arrear has accumulated on many properties.

3356. Do you believe that the wages of the children who go out to service, and the money scraped up in England by attending the English harvest, have gone to make up the exorbitant rent for these holdings?—I have known several cases where that has been the fact.

3357. Lord *Naas.*] Do you think those high rents were generally paid?—Before the potato failure, and the fall in the price of agricultural produce, they were correctly paid; but since then they have not been correctly paid.

3358. Do you think that before the potato failure they were generally paid, and that there was only a small amount of arrear on the property?—Very little arrear; I think they were generally very correctly paid before then.

3359. Mr. *Bright.*] When it has been found that the payment of the rents was absolutely impossible, owing to the failure of the potatoes and various other things, have abatements been made, and has the old score been wiped off, or have the arrears been kept over the heads of the tenants?—I would say generally, that for the first two years after the potato failure, scarcely any abatement was made. A trifling abatement was made on one or two properties, but, generally speaking,

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speaking, I would say, that no abatement was made during the first two years after the potato failure.

3360. What was the result at that period of these exorbitant rents being exacted?—The result was, that proceedings were taken for the recovery of them generally, and that where the people had any little savings from former years, they did pay sooner than run the risk of being ejected, and in a great number of cases it was impossible they could pay, and the arrears were accumulating year after year. Some landlords took what they could get when they found they could get no more.

3361. Did you observe that the stock of cattle or of implements, or the power of the tenant to carry on his cultivation advantageously, diminished under these circumstances?—No doubt of it.

3362. Latterly, when these rents could not be collected by any means, has there been any ejectment or eviction in your neighbourhood?—After the first two years, some few landlords began to offer an abatement of 2 *s.* in the pound, or 10 per cent., 20 per cent., and in some instances 25 per cent., and they got in a good many large rents in that way. These abatements were generally made upon conditions very hard to be fulfilled. They were generally on the payment of a year's rent, and payment of arrears and matters of that sort, which it was quite out of the power of the people to pay, so that the people who really required most relief scarcely got any; and the more comfortable people, who had some little savings beforehand, did derive advantage from getting the abatement, and paid their rent.

3363. Then the conditions on which the abatement was offered were such, that a great portion of the tenantry were not able to avail themselves of it?—I would say the greater portion.

3364. Do you recollect the case of Mr. Powell, who was shot some years ago?—I do.

3365. Where about did that take place?—It was in the county of Armagh. The outrage did not occur in my parish, but the land was held in that quarter.

3366. Will you state under what circumstances that happened?—I think it was in 1840, as well as my memory serves me.

3367. Was Mr. Powell a proprietor there and acting on his own account, or was he the agent of some one else?—He was the agent of Mr. Quinn, who had considerable property in the county of Armagh.

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3368. Were there any circumstances which caused uneasiness and alarm amongst the people?—Mr. Quinn, it was said, wished to build a residence for himself on some part of the property; and he served several tenants of the townland, I think, to the number of 25 families, with ejectments. Mr. Powell was employed by Mr. Quinn to drain the lands, and to prepare them for planting. Ejectments were taken out; they were not put into execution; the tenants gave up possession. Mr. Quinn promised that he would give them other farms at a little distance off, and on this account they gave up possession quietly without being evicted. They went to see the places which Mr. Quinn intended for them, and they learned that other people had been put out of those places, and that there would not be a good feeling towards them if they went to them; and they returned; they did not like to go to the places which Mr. Quinn intended for them. At this time Mr. Powell commenced draining the ground and preparing for planting, and he was going on with the work; and there was certainly a very strong feeling against him at the time, for working on the farms of these people before they were out of them.

3369. Then they had not actually left their houses?—They had not; they were living in their houses; but their ground was being prepared for planting; and it was at this stage of the matter, I believe, that this unfortunate murder occurred.

3370. Was it not the fact that Mr. Powell was invited out of his own house by some person, and that he was almost close to his house beaten and killed?—Yes.

3371. Was there not a trial in connexion with it, and were not two men executed for that murder?—Yes.

3372. A member of this Committee was engaged in the case, was he not?—Yes.

3373. For the defence?—He was engaged for a man of the name of Hughes.

3374. Was there a subscription made to defend Hughes, and to pay the counsel?—I do not recollect.

3375. A subscription is not uncommon in these cases?—Where there is great poverty and the friends of a prisoner cannot pay counsel, it is not an uncommon case.

3376. You never heard counsel object to receive fees from such a source?—I have made no inquiry.

3377. Was it your opinion, or the opinion of the neighbourhood, that those two men were guilty?—My opinion as to

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to Hughes was, that the man was not guilty, and it was not only my opinion, but my conviction.

3378. Did you attend him in your capacity of clergyman?—I did not; he was attended by the chaplain of the gaol, but I attended before the execution.

3379. And you saw him frequently?—I saw him a few times after his conviction, up to the time of his execution.

3380. You are of opinion, and it is the opinion of the public so far as you know, that he was innocent?—There is not a doubt of it; the statements of persons who saw him at the particular time, render it impossible that he could have been at the scene of the murder, for he lived seven miles off.

3381. *Chairman.*] Do you speak of both parties?—No; I speak of Hughes.

3382. You are not speaking of Woods?—No; he was a tenant on the property where the eviction took place; I do not at all say that he was found guilty, because he was not well defended.

3383. Mr. *Bright.*] Is it not the fact, that the evidence of identification against Hughes was strong, so far as two or three witnesses were concerned?—It was clear, certainly.

3384. On the other hand, were there not several witnesses, and some of them witnesses who were entitled to credit, who gave evidence, which made it appear to be impossible that Hughes should have been there at the time the murder was committed?—From my knowledge of Hanratty, who was examined on the occasion, I would not believe him; he was a most infamous character. Miss Powell was greatly excited; I do not think Hughes was well known to her; he was a stranger in that part of the country; he was not living as a tenant on the property, and she only got a glimpse of him. I am not saying that she did not give her evidence very conscientiously.

3385. Not wishing it at all to be supposed that either judge or jury failed in their duty to the best of their knowledge, is it true that the opinion of the people generally, as far as you are aware, in that district, is that Hughes was innocent?—It is to this day.

3386. And that he was convicted by mistake?—It is.

3387. What was the result, upon the question which had caused this outrage, of Mr. Powell's death; did the building of Mr. Quinn's house go on, and were these 25 persons ejected from their holdings?—No.

3388. They still have them?—Most of them are there; some

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some of them went to America, and some went elsewhere; the ejectments were not carried out.

3389. Then so far as that particular murder went, the object of deterring Mr. Powell and Mr. Quinn from proceeding, was accomplished?—That effect, it would seem, followed, for the people were not put out; Mr. Quinn gave up the idea of building, and he did not carry out the ejectments.

3390. Did you know Mr. Mauleverer?—I did.

3391. You had seen him frequently?—Yes.

3392. Was he receiver for the joint property of Hamilton, Tipping and Jones?—Yes.

3393. Can you state anything with regard to that property?—I know the circumstances of it very minutely; it is just within my immediate district.

3394. Was that property over-rented in the way you have described?—Yes.

3395. Will you give an account of proceedings which were taken by Mr. Mauleverer shortly before his death?—In the year that the unfortunate murder occurred, he issued 321 processes.

3396. How many tenants were there on the property?—Two hundred and sixty-four. Mr. Mauleverer was agent for two parties, and Mr. Rowland was the agent for a third party.

3397. Is that the Mr. Rowland whose valuation you have put in?—Yes.

3398. He issued 321 processes against 264 tenants?—He did; between March 1849 and March 1850.

3399. Was a list of all the persons who were so proceeded against published in the newspapers?—Yes.

3400. Have you compared that list with the account in the court?—I compared the list published in the newspapers with the book of the process server, who was sworn as to the service of the processes.

3401. And that agrees with what you have stated?—Yes; the number and the sums for which they were processed, and the different townlands on which the people lived.

3402. Were there any other processes served in the same year by Mr. Rowland, as agent for another portion of that joint property?—There were.

3403. How many?—One hundred and sixty-nine.

3404. Do you know the number of tenants on that property?—The same number of 264. Mr. Rowland was receiver for one-third, and Mr. Mauleverer was receiver for two-thirds.

3405. It was a joint property?—Yes; and both receivers were managing the same tenants.

3406. Then these tenants were the victims, in fact, of two fires?—They were.

3407. Do you know whether the processes which were served by Mr. Mauleverer were for one of the two persons for whom he acted, or for both?—The processes were all in the name of one.

3408. And Mr. Rowland's were all in the name of one?—Yes.

3409. Of course not the same person?—No.

3410. Do you know whether, during that year, or as the result of any of those processes, whether of Mr. Mauleverer or Mr. Rowland there were any evictions?—In point of fact, none of the evictions were ever carried out. Mr. Mauleverer met his death before the evictions were carried out. The decrees were taken out.

3411. Did not a brother of Mr. Mauleverer, in writing in the newspapers in answer to some statements about his unfortunate brother, say, that it was never intended to carry out these processes to the result of eviction?—He said, if I recollect, that there were 151 ejectments brought to evict the interests of the middlemen.

3412. *Chairman.*] What was his name?—M'Cullagh.

3413. Mr. *Bright.*] Did he not say, in justification of his brother, that these tenants were not intended to be turned out of their holdings?—He did.

3414. Were there any means whereby the tenants might know that the proceedings against them were for a purpose short of actual ejectment?—It was not named to them what the proceedings were. I think they got no intimation to that effect at all. If they had received such an intimation, I think it would have comforted them very much. I do not know that any information was conveyed to them in that way.

3415. Then is it your opinion, that the tenants regarded these proceedings as preliminary to their ejectment, or to the ejectment of some of them?—I think they were under that impression.

3416. Was it under this impression, in your opinion, that that dreadful crime was committed?—Indeed, I think it was the cause that led to it.

3417. Do you state, that since Mr. Mauleverer's death, that property has been under the Court of Chancery, that a new valuation has been made, and that the rents have been reduced

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reduced in an extraordinary degree?—Yes, to a very considerable degree.

3418. To a degree which at any rate is considered satisfactory by the tenants?—Yes.

3419. Do you believe that the tenants on that property are now living in a state of contentment which they did not know before that valuation was made?—They are contented in some respects; they were reduced to a very extraordinary degree of poverty. They cannot make very correct payments, but I know they are perfectly at peace with their agent, and have made payments which the agent told me he was very much pleased with.

3420. Mr. *Solicitor-General for Ireland.*] What is the name of the agent?—Mr. Moore.

3421. Mr. *Bright.*] Supposing that re-valuation had taken place immediately on the failure of the potato, and that the tenants had been placed in the position they now are before their means had been so much exhausted, is it your opinion, that as far as regards the amount of rent, the tenants would have been satisfied, and that the unhappy difference with Mr. Mauleverer might not have occurred?—I think so.

3422. In the case of this joint property, as in the case where Mr. Powell was murdered, the result of the murder has been apparently a gain to the tenants on the property; is not that the fact?—That has been the effect.

3423. Has it not been followed by a great reduction of rent?—Not a doubt of it; and the impression is, that in point of fact it has been the means of continuing them in their places.

3424. There were two brothers of the name of Clarke murdered sometime ago?—Yes.

3425. They were caretakers?—Yes.

3426. Whose caretakers were they?—They were caretakers on the property of Mr. O'Callaghan.

3427. Was Mr. O'Callaghan a Roman-catholic?—Yes.

3428. Were the Clarkes Roman-catholics?—Yes.

3429. What were the circumstances of that murder?—A number of people, I think 15 families, were ejected sometime before. The rent was very high, and they fell into arrear. The Clarkes had the care of the land from which the people were ejected; and it was while they were in charge of it that the murder unfortunately occurred.

3430. Were any persons tried or convicted for that murder?—Not that I am aware of.

3431. No person was tried?—No.

3432. Was

3432. Was the murder committed in the open day?—It was.

3433. And although two men were thus beaten and murdered, there was no evidence whereon any one could be tried?—No.

3434. Now with regard to the murder of Mr. Bateson; he was the agent of Lord Templetown?—Yes.

3435. Did you know Mr. Bateson personally?—I did.

3436. Were there any circumstances on that property, immediately before his murder, which led you to suppose they had connexion with the murder?—He has no property in the parish that I am in; it is in an adjoining parish, which comes very near where I am; but I heard a good deal amongst the country people of the harsh means he had taken to recover very high rents. I know there was a strong feeling against him on that account; but I am not particularly acquainted with the circumstances connected with it.

3437. Are you aware whether since Mr. Bateson's death a reduction of rent has taken place on the property immediately in that district?—I believe that on the property of Lord Blaney, which runs along Lord Templetown's property, a very considerable reduction has taken place.

3438. Has it come to your knowledge that the impression of the people is, that the result of the murder of Mr. Bateson, as in the case of the murder of Mr. Powell, and the murder of Mr. Mauleverer, is, that they have gained either by greater security in their holdings or by reduction of rent, in consequence of the crime?—Indeed, I think that is the impression among the people.

3439. Now, there is the case of Mr. Chambré, who was dangerously wounded, but has since recovered. Do you know Mr. Chambré?—I do not know him personally; I have seen him once or twice.

3440. How far does he live from your parish?—About eight or nine miles.

3441. From going to and fro among the population, has it come to your knowledge that there were any circumstances preceding that attempt at murder, which seemed to be connected with it?—I think so. I made inquiry on the matter; and the result of my inquiry is, that he did evict a great number of people; that he charged a very high rent, and took very sharp proceedings for its recovery, and that there was not a good feeling towards him in that part of the country on that account.

3442. And that those circumstances had taken place recently;

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cently; that is, not long before the time when the attempt upon him was made. Is that the case?—Yes; very shortly before.

3443. Now, there was an attempt to murder Mr. Eastwood. Is it your opinion that that was connected with agrarian outrage, or do you think it was like an ordinary highway robbery?—The impression generally is, that it was a case of attempted robbery.

3444. Mr. *Solicitor-General for Ireland.*] That occurred a good distance from your parish?—About eight miles, I suppose.

3445. Mr. *Bright.*] Is it not the fact, that in cases of decided agrarian crime, robbery is very seldom, and perhaps never committed?—In crimes, strictly of an agrarian character, I never heard that any money was taken from the person who was either ill treated or murdered.

3446. In the case of Mr. Eastwood, his watch was stolen?—Yes; and another circumstance would lead to the impression that robbery was intended. It was on Christmas-Eve that the outrage occurred; he was in Dundalk on that day, and sold a fat cow; and it was thought that he had the money for the cow with him. Christmas is a time when fellows are about, looking out for a provision for Christmas, and it was thought that Mr. Eastwood was going home with the money. He was followed on his way home, with the view of his being robbed, and not finding the money with him, they took his watch, and pitched him into the gravel hole where he was found. From all I could learn, I thought it was a case of robbery.

3447. You stated that there are Catholics, Episcopalians, and Presbyterians residing in your parish and in your district; is there much ill feeling, or is the social condition of your particular neighbourhood disadvantageously affected by the circumstance of differences in religion?—Not in the slightest degree.

3448. Between yourself and Mr. Brown, who is the Presbyterian minister, does a perfectly friendly feeling prevail?—Yes, and with the rector of the parish also. The late Doctor Atkinson and myself were on the most intimate terms; he was the chairman of the Relief Committee during the years of distress; we pulled together to get subscriptions; and every penny we were enabled to get from charitable funds from England and elsewhere, were entrusted to our management. It is a remarkable fact connected with these properties, that we got very little money from the three joint proprietors of that

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that property, Hamilton, Tipping, and Jones. At the very commencement we had a list of subscriptions; we got one or two benevolent people to head our list, and we sent it to every landlord in the district.

3449. What did the rector give?—£.100.

3450. What did you give?—I gave 20*l.*, and the rector said it was too much for me to give. He had such feeling for the poverty of the people, that he literally cried, and said, "We must go beyond our means, and ask these gentlemen who have been receiving large rents for a long time, to come to our aid."

3451. Did Mr. Brown subscribe?—Mr. Brown was not a member of that committee.

3452. How much did the three proprietors who hold that large property give you?—The representative offered us 3*l.*

3453. That is 1*l.* for each proprietor?—Yes.

3454. Did they ever pay it?—Not a penny; and I believe we lost many shillings in sending for it.

3455. Did any of the landed proprietors in your immediate district, within the limit for which you acted, subscribe?—Yes.

3456. Handsomely?—Not handsomely, according to the example we set them. The largest subscription we got from any landlord was 25*l.* We got that only from two landlords, Mr. Quinn and Mr. O'Callaghan.

3457. Is Mr. Brown on good terms with the Catholic population?—The best terms. I think he is highly respected by the Catholic population as well as by his own hearers.

3458. Mr. *Scully.*] Is that Mr. Gunn Brown?—Yes. Latterly, to the barony of Upper Fews, there was a vast increase of police sent, and the people resident there thought there was no occasion for sending such a large number, and that the district was peaceable. There has not been a single case at the assizes for the last two years, which would show a disorganization of the state of society in that part of the country, and we thought it a great hardship that the poor people should be made to pay this heavy tax, and a memorial was got up to the Lord-Lieutenant, putting before him the state of the district, by parties who knew it well. The memorial was signed, I think, by 72 of the highest cess payers of every religious denomination, seven clergymen of different persuasions, and five Poor Law Guardians; and Mr. Brown and myself were deputed to present it to Lord Clarendon, and we did so.

3459. Mr. *Bright.*] When was that?—I think it was on the

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the 12th of January last. We represented the state of our district, and the opinions of all creeds and parties that we did not require this extraordinary force, and that it was only pressing the people more and more, adding to the discontent, and laying the foundation for crime, for poverty does lead to crime. His Excellency received the memorial, and said that he would take our memorial into his consideration. We were astonished at the result. When we returned, sometime after this, the county cess was collected, and there were five townlands exempted form taxation; and Mr. Brown and myself, upon examining the townlands, found that the townlands were principally inhabited by Episcopalian Protestants, and that they were exempted. Mr. Brown felt very indignant; and we got up a counter memorial, or a memorial to be signed by the inhabitants of the townlands who were exempted, which was signed, stating that such an invidious distinction was calculated to create religious animosity, and to produce a bad state of society. The Lord-Lieutenant left Ireland, and we thought that the new Lieutenant, not knowing perhaps sufficient of the circumstances of the case, would suppose that the late administration had sufficiently inquired into it, and we did not think it proper to renew our memorial again.

3460. At present, in that district, those townlands are exempted, and the others are not exempted?—Yes.

3461. Mr. *O'Flaherty.*] Was there any reply to the memorial?—The memorial was signed, but it was not forwarded.

3462. To the first memorial was there any reply?—There was no reply; we presented it in person, and the Lord-Lieutenant merely said that our memorial should be considered.

3463. Did you ever get any reply to that memorial?—No.

3464. Mr. *Hatchell.*] You went in person?—Yes.

3465. Will you fix the time?—The 12th January last.

3466. Mr. *Bright.*] Would it appear that some representation was made to the Government that the rest of the barony, or the district to which this extra taxation applied, was less peaceful than the five townlands?—That is the conclusion which we drew from the distinction that was made.

3467. Is it within your knowledge that any fair distinction could be drawn, or that the whole of those districts were equally peaceable?—Equally peaceable.

3468. Mr. *Caulfield.*] Were the five townlands in your parish?—Yes.

3469. Mr. *Bright.*] Then in your opinion the Government, in the course they took, must have acted upon information of some kind?—We were under the impression that reports from the particular locality must have led the Lord-Lieutenant to adopt this line of distinction.

3470. Is not the Government obliged to obtain a large portion of its information from persons who are connected with the police?—It was our impression that it was from that quarter the information came.

3471. Who is the stipendiary magistrate?—The stipendiary magistrate lately was Mr. Fitzmaurice; Mr. Singleton was also in charge of the district.

3472. Do those gentlemen occasionally stop only for a short period in a district; has Mr. Fitzmaurice been there long?—Not long; I think he came there some time before January.

3473. Would this circumstance suggest to you the propriety of the Government corroborating or correcting the information of the police by specific inquiries of trustworthy individuals resident in the neighbourhood?—I think it would be most desirable, and, in point of fact, necessary; and our memorial prayed for the removal of the extra police force which was sent, and an inquiry into the causes of agrarian outrage in that and the surrounding districts; that was the concluding sentence of our memorial.

3474. Do you know the increase which was made to the number of police, or the increase in the tax, in consequence of such a number of police being sent?—I think I heard that there were 60 additional policemen sent to the barony; and I think there has since been a further increase.

3475. Lord *Naas.*] Can you tell what increase that makes in the poundage?—I know, in the last half-year's collection, the police-tax was sixpence-halfpenny in the pound.

3476. Mr. *Bright.*] What had it been before that increase was made?—There was none at all.

3477. You have no idea whatever that Lord Clarendon, or the late Chief Secretary, or the Irish Government, took the course they did take, except upon information which they believed to be true, but which you believe to have been mistaken?—I think it was upon information they obtained; I do not at all blame them; we were received with the greatest possible courtesy, and we were assured that the prayer of our memorial should be considered; we went home under the

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impression that we had secured the object of our interview with the Lord-Lieutenant.

3478. Is there much emigration now going on, or has there been for a considerable time past, in your district?—Yes.

3479. Is that emigration confined to Roman-catholics?—It is not.

3480. Would you say, that in proportion to the number of the three classes—Roman-catholics, Episcopalians, and Presbyterians—it would be difficult to say that emigration was more constant from one than from another?—I think, in relation to the proportion of the different creeds, the emigration is equally great; I think there is no distinction in that way; as many Protestants went off as Roman-catholics, and as many Presbyterians as either, according to the numbers.

3481. Lord *Naas.*] Do you then think that the relative proportion of 20 Roman-catholics to one Protestant still exists in your parish?—I think it does.

3482. And 50 Catholics to one Episcopalian?—No; I think deaths have taken away a great many more Catholics than of any other persuasion, inasmuch as they were a great deal poorer; but I would say, that emigration is equally great on the part of every class, in proportion to their numbers.

3483. State what you believe to be the relative proportion between the number of Protestants and Catholics in your parish now?—I would not undertake to say that without making more minute inquiry; but I think the cases of death have been most numerous among the Catholics.

3484. Mr. *Bright.*] Are you in the habit of receiving letters from persons who have gone out to America, enclosing communications for persons in your parish, and frequently money?—Very frequently indeed, and I am greatly astonished at the number of letters I got containing remittances.

3485. A packet arrived three or four days ago, since you left home. Do you suppose there will be letters waiting for you which have come by that packet?—I have no doubt of it. I receive a great number of letters.

3486. Every month?—Every month, I may say; containing 5*l.*, 10*l.*, and sometimes larger sums of money.

3487. In point of fact, does this kind of benevolent commission business, which you enter into, take up a considerable portion of your time?—No doubt of it; and it gives me a vast deal of annoyance.

3488. Do you think that a large portion of the funds which are thus sent over, are employed by the persons to whom they

they are sent in providing for their own emigration?—Yes; I think the greater proportion is for that purpose. A member of a family going out, generally sends for one or two more of the family in the course of a year, or two years.

3489. When they arrive, are their joint efforts used to bring over the rest of the family?—Yes; and so much so, that whole families have been sent over in that way.

3490. You must have had an opportunity of knowing the contents of a great number of these letters?—Yes. Generally I read one-third of them for the poor people who cannot read, and see how the money is to be allocated.

3491. What do they tell them when they write?—The letters are generally invitations to go out to a country, where by labour and exertion they can make themselves comfortable and independent, which they can never expect to do at home.

3492. Lord *Naas.*] Do they often say they work a great deal harder in America than in Ireland?—Yes; they say they have to work very hard, but that they are well remunerated.

3493. Mr. *Bright.*] They do not say that they work a great deal harder, and get no money for it?—No; they do not say they get no money for it; but some of the letters say they have to work harder than they have to do at home, and that they are not to expect money will be got for nothing; that they must work hard; and that if they work hard, they are well paid.

3494. And that what they get is secured to them?—Yes.

3495. Do they dwell on the difference with regard to land, stating that in America a man may get 50 or 100 acres of land for little more than a year's rent of the same quantity in Ireland; and that when he has got it, he is not subject to an exorbitant rent, and to the insecurity which he feels in Ireland?—That is most frequently alluded to; and they say that a little money will purchase a farm, and that when they get a farm they are sure not to see the face of a bailiff or an agent, or a process of ejectment, or a decree, or any other such thing.

3496. Lord *Naas.*] Do they say what they generally give for the land?—They do. They say that land which has to be cleared out may be got for a mere trifle; but that there is great labour in clearing it; and they say that they will be able, by a few years' industry, to get as much as will purchase a small farm which has been already cleared.

3497. Mr. *Bright.*] Is it your opinion that a very large pro-

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portion of the Irish who emigrate to America, succeed there, and very much improve their condition?—There is not a doubt of it.

3498. If I were to go to your parish and put up a proclamation that a sum of 5*l.* or 10*l.*, or whatever might be necessary, should be provided for every family who chose to emigrate to the United States, what proportion of the inhabitants do you suppose would go?—That, of course, must be matter of conjecture; but my impression is that a vast number would go. I think half the parish would go if you made such a proposal as that.

3499. Would so many go that you would be obliged to go with them?—I think so.

3500. Was that man Hughes, who was executed, and of whose innocence you appear to have a strong belief, tried more than once?—He was.

3501. How often was he tried?—I think it was on the third trial that he was convicted.

3502. Did it happen that on the two former trials the jury could not agree?—I believe so.

3503. In such a case, where a man is tried twice or three times, is there any opinion amongst the people that there is a harshness, and (as it were) a hunting down of a man, when he is put on trial time after time?—A person would draw the conclusion that the evidence could not have been very clear on the former trials.

3504. It is not a matter that has struck your attention at all?—I know it was looked upon as rather extraordinary that he was found guilty on the third trial, after two juries had disagreed before.

3505. What is the opinion of the people generally as to the fairness with which the law is administered?—I am not prepared to answer that question.

3506. I do not mean as regards the law of eviction and so forth, but as regards trials at sessions or at the assizes, as to the fair and honest efforts of the counsel on behalf of the prisoner, and the fairness of the counsel prosecuting for the Crown, the honesty of the juries, and the impartiality of the judges?—As regards the counsel for the prisoners, I never heard a complaint that they did not do their duty well and efficiently. As to the constitution of juries, there were some complaints at the time of Hughes's case, for the last jury, I believe, were exclusively Protestants; and there was a trial in the county of Monaghan which occurred much about the same time, where another person was put on his trial for murder,

murder, and he was a Protestant, and the jury were exclusively Protestants. I know, in that part of the country, there was a good deal of dissatisfaction on account of the constitution of the jury, but none at all as regards the counsel.

3507. Generally speaking, a Catholic on his trial for an offence would not have a strong opinion of his chance to escape, or of the impartiality of his trial, if the jury were exclusively Protestants; is that the fact?—I think so.

3508. And, on the other hand, a Protestant on his trial for any offence would scarcely be satisfied if his jury were exclusively Catholics?—He would not.

3509. With regard to the course taken by the Crown in prosecutions, and with regard to the conduct of the judges, do you think any dissatisfaction exists?—I know, in that particular case of Hughes, there was some dissatisfaction.

3510. *Chairman.*] Do you remember who was the Judge?—Judge Crampton; and I think, in passing sentence on Hughes, he said that he had added considerably to his guilt by bringing a number of perjured witnesses to prove an *alibi*.

3511. The jury disbelieved them?—Yes; I know some of the persons who gave evidence upon the trial of Hughes, and it appeared to me to be as well sustained an *alibi*, upon unquestionable testimony, as a person could almost listen to; I think it was the impression of the Solicitor-general that the characters of the witnesses who proved the *alibi* were unexceptionable, and that it was satisfactory; and their evidence was uncontradicted.

3512. Mr. *Bright.*] Have any facts connected with Ribbon Societies come under your notice?—Except from rumours on the subject, I really cannot speak to it; I am aware that the Ribbon Society is, in point of fact, a sort of defence against another society, as practised in my neighbourhood.

3513. What other society?—The Orange Society; I think the one is the effect of the other, and that wherever the one has abated the other has abated also.

3514. Is it your opinion that the Ribbon Society is directly organized for, or implicated in these outrages, which are so much to be regretted?—I do not think the Ribbon Society, as such, has anything to do with the outrages; that is my own impression.

3515. Is it your impression that what are called Ribbon lodges, committees, secret meetings, and so forth, of that

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particular society, are held for the purpose of adjudicating on these cases of offences against what are considered the rights of the tenant, and that they, in those secret meetings, resolve on the death of certain individuals who are hostile or hateful to them?—I do not think these outrages grow out of causes of that sort at all. I think that generally they proceed from great dissatisfaction amongst people of all classes and creeds, at the harsh treatment which is sometimes pursued by agents and landlords, and bailiffs, who are concerned in recovering rents which it is impossible for them to pay; and, indeed, I would say that I know, from my own personal knowledge from my neighbours, that all classes are equally displeased, and, in point of fact, equally vindictive against proceedings of that sort. I think it is owing to this state of feeling against persons who look for rents which cannot be paid, and the harsh means which are taken to recover them, and the bad feeling which grows out of it, that outrages are perpetrated.

3516. Then, is it your opinion, that the Ribbon Society, as an organization, is in no way connected with these outrages?—I think so; I beg to state, that persons who continue members of the Ribbon Society are, in point of fact, outlawed from the church, and they are denounced as bad characters and bad men; persons of this kind may be people who would lend themselves to the perpetration of deeds of this sort, but not as connected with that society, or following any dictates or rules of that society.

3517. What you mean is, that men of that violent character, who would become members of Ribbon Societies, might naturally be supposed to be the same men who would commit these outrages, when the vindictive feeling ran high enough and the occasion arose?—Yes; they might.

3518. Are meetings of the Orange Society held in secret in your parish?—I think that latterly, the system has greatly abated, owing to the exertions of the clergy, who seeing that it was a very improper state of society, lent their aid and exertions for the purpose of putting it down. I know there were some secret meetings of the Orange Society, but I know that Mr. Brown and myself did exert ourselves very much, and in point of fact, did succeed, to a great extent, in uprooting both one and the other, and I think there never was so little of that feeling at any period as at present.

3519. Is it within your knowledge, that Ribbon Societies and secret meetings have been held, or are still held, in your parish?—It is not.

3520. Do

3520. Do you think that they are, or that they are not?—I think myself that there never was so little of secret combination as at present; I know that our present bishop made great exertions to put a stop to every matter of that sort, and he has issued no less than three pastorals during the last twelve months, on the subject.

3521. Are you able to state distinctly, that it is within your own knowledge, that the influence of Catholic priests throughout your district is exerted to put an end to these secret societies, and to all those conditions of mind amongst the people which lead to these acts of vengeance?—I am satisfied of it, and that every exertion the clergy could use to put an end to every society of an illegal or secret kind, has been used within the last few years; they did it, in point of fact, from a sense of duty, and it was also made imperative by their bishop that they should do so.

3522. Are you aware that the gentleman who came to the rectory lately, and did not stop there, but went to a living which is either better or worse, was subjected to any intimidation?—I never heard that he was, and I do not believe it.

3523. You do not believe that he received a threatening notice of any kind?—I do not.

3524. Mr. *Leslie*.] Did you ever hear of his servants being threatened?—I never did.

3525. Mr. *Bright*.] Did you ever hear it suggested, that one strong reason why he did not come and settle in the parish was, because he did not believe it to be safe to do so?—I never did; there is no instance of a clergyman of any persuasion being molested or insulted in that part of the country; and the same testimony will be borne by clergymen of every persuasion.

3526. Speaking of the whole people, Catholics, Episcopalians and Presbyterians, is it your opinion that they have borne a long period of privation with great patience, and with great submission to the law?—I am satisfied of it.

3527. And that if the conditions between them and the proprietors of the soil with regard to the tenure by which they hold their farms, and to the reasonableness of rent, were such as impartial men could approve, the population would live in peace, and that there would be no more of those grievous and dreadful outrages which have been committed?—I am convinced that if the state of things to which you have alluded was established, and a law were passed which would regulate fairly the relation between landlord and

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tenant, on equitable and fair principles, and the land was fairly let, and security given as to the tenure, there would not be a more peaceable district in any part of the kingdom. They are a very laborious people, and are easily satisfied. If there was anything like the condition of things to which you allude, there would be a peace and happiness such as was never yet witnessed in the country.

3528. When you speak of the tenure, do you refer to such security as you conceive the law might afford to the improved value which a tenant by his industry and capital may give to a farm, and that that compensation being afforded by law, would be highly satisfactory and a great advantage to the district?—I think so. If the tenant was secured the improvements which he makes in the soil, and he was allowed to hold to his little farm, and there was a guarantee that he would not be disturbed or his rent raised, I am satisfied that he would be perfectly contented, and that a new state of things altogether would arise; because at present there is no guarantee that a man's expenditure will be secured to him, and of course there is no great desire for improvement, or for the proper cultivation of the soil.

3529. Do you conceive that landlords could do justice to tenants, and that the tenant's position could be placed on a satisfactory footing, without any new law?—I really do not think, taking the character of landlords generally, that it can be done without a law making out, in some definite way, the landlord's right and the tenant's right; and I think it is not so difficult after all, for the tenant's interest and the landlord's interest are more closely connected, and in fact more identical, than people are generally aware of. Security given the tenant for his capital is the best guarantee a landlord can have for the correct payment of his rent; and it is a stimulus to the tenant to cultivate his land; and as long as he does so well, and is a little independent, the landlord has an absolute certainty that no arrear will arise; and that, even if it does, the man's good-will must be very valuable in the event of his having the security I allude to, and will always be a guarantee that his rent will be correctly paid. I think it would establish a kindly and friendly relation between the two parties, which is now very much wanted. There is now distrust instead of confidence. I know there are some good landlords, and where a landlord is a good one he does not live always, and a person may succeed him who is not so good, and there will still be uncertainty; but if there were some security that the expenditure of a tenant would

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would be guaranteed to himself and his family after him, I am satisfied that the land which is now uncultivated would be more profitable, that the tenant would live in comfort and peace, and that the landlord would have undoubted security for the correct payment of his rent. Any Government which is instrumental in bringing about that state of things, will deserve the immortal thanks of the lovers of peace and order.

3530. Then your opinion is, that wherever a landlord makes an investment of justice and common fairness to his tenantry in your district, he is amply repaid for it?—There is not a question of it, and that is proved by the facts. I will mention one case in point. In the centre of the district, in the county of Armagh, which is said to be disturbed, a gentleman two years ago came into possession of some property; Mr. Jordan, in the county of Wicklow. The Presbyterian clergyman and myself met his agent at Castleblaney; we represented the altered state of the times, the circumstances of the people, the fall in the price of agricultural produce, the failure of the potato crop, and that it was only justice to the poor tenants to consider their condition. The agent represented the matter to the landlord, and the landlord sent down a valuator, telling him that he would not be directed by any other rule except the fall in price of produce. A valuation was made, and the landlord himself came down in the November following with his agent, Mr. Macready.

3531. Mr. *Solicitor-General for Ireland.*] Where is this man's estate?—In the barony of Upper Fews.

3532. In your parish?—Yes. He came down in the November after the valuation was made, and he offered an abatement of 50 per cent. on the arrears which had accrued. They paid him a full year's rent, and the property is, perhaps, the best illustration of what would occur on a fair state of things. It is inhabited equally by Presbyterians, Catholics, and Protestants.

3533. Mr. *Caulfield.*] This was townland?—In this particular property. He has another property in the county of Antrim, and I believe he has acted on a similar principle there, and is equally pleased with the result. In this part of Armagh he has three large townlands: one of them is inhabited nearly exclusively by Presbyterians; another of them is inhabited nearly exclusively by Protestant Episcopalians; and the third is inhabited nearly exclusively by Roman-catholics. Before he came down in November, he intimated by letter that he was coming, and asked the tenants to meet him at an hotel

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hotel in Crossmaglen, and said that he would receive the rents there. In three days' time, he received a full year's rent of the property, and in most instances half a year's rent of the arrear. The man was astonished. We told him that the people had made great exertions to meet him, as he had set the example of a fair valuation in that part of the country where it was so much wanted, and that some of them had sold even the seed which was necessary to crop the ground next year, and had put themselves to some inconvenience in selling cattle, in order to raise the rent for him; and he directed the Presbyterian clergyman and myself to make out a list of the people who did this, and send it to him, and that he would send them seeds of good quality of every kind in the spring. We did so, and he sent the seeds as he had promised. Before he went away, the people thought he deserved a mark of respect, and they asked himself and his agent to stay a day, and they would give them a public entertainment. A public entertainment was got up by the Protestants, and Presbyterians, and Catholics; and all the clergymen of the district were invited as guests on the occasion, in honour of the landlord and his agent. The one is a Protestant, the other is a Catholic.

3534. Mr. *Hatchell.*] What was the amount of the abated rent for the three townships?—I think it was very considerable. He directed the valuator to lower the rent of the land which was leased, as well as the rent of the land which was held by tenants at will. The reduction upon the whole was very considerable.

3535. What would you say was the present value of it?—About 16 *s.* an acre, I think, is the highest.

3536. What is the income he gets out of it?—It is not much under 500 *l.* a year.

3537. Mr. *Bright.*] Have you any further particulars to state with regard to the contentment and satisfaction of those tenants?—After this public dinner had been given he went away; and he returned in the following December to the same place, and sent for the tenantry in the same way, and he received another year's rent; and in every instance he was paid the full amount of the seed which he had purchased; so that it is really an illustration of the happy state of things and the kind of feeling which would exist between landlord and tenant, under a fair management. He did this of his own free will, and of course was the more thanked. This property is in the very centre of what is now termed the disturbed district.

3538. Mr. *Caulfield.*] You are not able to state the acreage of it?—No, it is a very considerable property; the townlands are very large townlands.

3539. Mr. *Bright.*] With regard to conferring on the tenant some security for compensation after improvements, considering how often the ownership of land changes by death, sale, and so forth, would you recommend that some legislation should take place on that particular subject?—I would. I think a good landlord, who allowed what is fair, would not be injured by it; and it would serve him too. There are some landlords who, I am afraid, would not take the merciful view of the case which is talked of; and it is a great injury, I think, to a good landlord to live in the neighbourhood of a landlord who will not do that, and who will make paupers of his people and send them to the poor-house, and increase the rates on a landlord who has no paupers. The man who is merciful receives vastly more money than the man who spends in law proceedings the amount which ought otherwise to go in the shape of rent.

3540. Mr. *Hatchell.*] In consequence of what particular outrage were the 60 police sent down as an auxiliary force; was it after the attempt on Mr. Eastwood, or the murder of Mr. Bateson?—It was after both.

3541. The last was Mr. Eastwood?—Yes; our complaint was, that neither of them occurred in the barony of Upper Fews. They occurred a good distance from it.

3542. Is your residence in Crossmaglen?—Yes.

3543. Have you a sub-inspector or a head constable quartered there?—We have a sub-inspector quartered there.

3544. Had you a sub-inspector before the outrages took place?—It has been a station for years.

3545. Then, of course, the sub-inspector has had a constable under him?—Yes.

3546. Are there some adjoining stations?—New stations have been erected, and the old stations have been increased by additional men.

3547.—Before the 60 men went down, there were other stations in the neighbourhood?—Yes, several stations; but the police have been nearly doubled in amount at the stations.

3548. Is your parish within Mr. Singleton's district?—Yes.

3549. He has been a resident magistrate for some years?—Yes.

3550. These outrages having been committed, was the auxiliary

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auxiliary force sent down upon reports from different members of the constabulary force?—That was our impression.

3551. Sir *W. Somerville.*] You stated that it was not the habit in your neighbourhood for the landlords to grant leases to their tenants?—Yes.

3552. Do you think it would be a good thing that a tenant should have a lease?—I think it would.

3553. Do you think it would be a good thing for a landlord that he should grant a lease to his tenant?—Indeed, I think it would serve both parties.

3554. Then why do you think there has been an indisposition, on the part of the landlords, to grant leases?—What induces them not to grant leases I am not prepared to state; but my own conviction is that it would serve both parties; the tenant would have a guarantee for his expenditure while the lease was running, and the landlord would also have a guarantee for his rent. The uncertainty of tenure, in my mind, is one great reason why the land is not better cultivated.

3555. Do you think that the fact, that by conferring a lease the tenant would be put in the enjoyment of the electoral franchise, up to within the last year or two, has in any way been the cause of landlords being disinclined to grant leases to their tenants?—I really do not know what to say to that; I cannot judge of the particular reason for refusing leases; I do not know that the franchise has anything to do with the matter; at least I never heard an instance where it was given as a reason why leases were not granted.

3556. Did not you say that you knew instances, where the tenants held at will, of the landlord stepping in, or his agent for him, and capriciously raising the rents?—Yes.

3557. Can you give any instances where that occurred?—At the expiration of leases.

3558. You were understood to state that you knew instances where the tenants held from year to year, in which the landlords had come in capriciously and raised the rents of these tenantry?—As well as I recollect, the rents were considerably raised on the property of Mr. Quinn.

3559. Mr. *Solicitor-General for Ireland.*] By whom?—By Mr. Quinn.

3560. Sir *W. Somerville.*] Not at the expiration of any tenure, but while the tenants were holding at will, the landlord stepped in and raised the rent?—I did not know that it was in the case of expiration of leases.

3561. Mr. *Scully.*] Was there any case of a middleman on that property of Mr. Quinn's?—I think not.

3562. The tenants held from Mr. Quinn?—They held directly from Mr. Quinn.

3563. Sir *W. Somerville.*] Are the farms very small in your district?—They are generally small.

3564. Was the failure of the potato crop a principal reason of the distress which lately prevailed in your neighbourhood?—I think the fall in the price of agricultural produce contributed to it, but I think the failure of the potato crop was the principal cause, inasmuch as the farms were so small, that the people generally lived on the potato crop, and sold the grain crop for the purposes of rent.

3565. Do you think a man could live on those small farms, and pay his rent, without the aid of the potato, unless he had other means of livelihood?—I think so, if the rent was moderate; the people about there live a good deal by making turf; there is a good deal of embroidery latterly, and employment for children in that way; and I think if the rents were moderate, by exertions, some of them earning money as day labourers at the time of the harvest, they could pay their rents.

3566. Could they do so without some aid of that kind?—I think it would not be easy for them to live without some aid of that kind.

3567. Many of them are labourers?—Occasional labourers to persons having larger farms.

3568. What is the ordinary rate of wages for labourers in your neighbourhood?—Very low; a person who is a constant labourer, I think, has, when he boards himself, 8*d.* in winter, 10*d.* in summer; 6*d.* when boarded by the employer.

3569. Mr. *Scully.*] Was it the custom to pay in money before the failure of the potato crop?—No; before the failure of the potato crop, a man holding a large farm generally gave the labourer a plot for a potato ground, a rood or two roods, according to the size of his labourer's family.

3570. Very little money passed between them?—I should say so.

3571. Sir *W. Somerville.*] You have stated that there has been a great deal of emigration in your district?—Yes.

3572. Is there any scarcity of labour?—I think in the last season, there has been a scarcity of labour.

3573. Has the rate of wages increased in consequence?—No.

3574. How do you account for that?—I account for it by the

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the want of money; the farmers are distressed. Generally, a man holding 15 or 20 acres, requires some additional labourers in the spring, and he employs a few during the getting in of the crops; and his circumstances are so bad, that he is not able to pay a high rate of wages, and the poor will take, at home, a small rate of wages, rather than go abroad.

3575. Then is it your opinion, that the small farmers have not sufficient capital for the proper cultivation of their farms?—Indeed they have not.

3576. Mr. *Caulfield.*] Are there any persons in your neighbourhood who give employment largely?—There are a few. I suppose, perhaps, there are four or five, who employ generally six to eight or ten labourers during the year.

3577. What is the rate of wages?—Not more than 10 *d.* and 8 *d.* a day.

3578. Mr. *Hatchell.*] Do they board themselves on those wages?—The labourers feed themselves.

3579. Mr. *Caulfield.*] You have stated that, on Mr. Jordan's estate, the rents for the land have been reduced?—Yes; I think from about 24*s.*, 25*s.* and 26*s.*, in some instances, reduced to 16 *s.* per acre.

3580. And the reduced rent was paid?—Yes.

3581. Do not you know that, on Mr. Hamilton's estate, a very large reduction was made in the same way?—Yes.

3582. And that the rent was perfectly well paid in the year in which it was reduced?—It is only very lately that the reduction has been made. It was only made last year.

3583. Was there not a reduction made on that estate from 20 *s.* an acre down to about 16*s.* or 17 *s.* an acre, three or four years ago?—No; not that I know of. I think, in the year 1849, there was an abatement of 20 per cent., or 4 *s.* in the pound, offered to a person who would pay a year's rent; but before that, I do not know of any abatement.

3584. Was that abated rent paid?—Some of it was paid, but it was not generally paid, I believe. The reduction was not enough. They could not pay it, in fact.

3585. Sir *W. Somerville.*] What is the usual corn crop, grown by the farmers in your district?—Oats entirely.

3586. What do you think may be the average yield per acre of oats?—I think, in my own neighbourhood, it is considered a good acre of oats which yields about six or eight barrels.

3587. What amount do you think the same land might be made

made to yield under an improved system of agriculture, supposing the farmers had the means of properly cultivating the land?—Indeed I think, if it was cultivated to the extent that the land is capable of being improved, it would produce twice the amount, or very near it.

3588. Do you know at all what is the average rent?—I think, taking an average, the rents went up as high as 35*s.*, 31 *s.* 6*d.*, 32*s.*, and in some instances two guineas, and higher. That was the old rent. As an average, perhaps, you might say for the entire district, between 1*l.* and 25*s.*

3589. You think that was the average rent?—Yes, in a general sort of way; but the abated rent, I think, does not average more than from 10*s.* to 14*s.*

3590. That is the average now, you think?—Yes.

3591. What is the price of a barrel of oats at the present time?—I think the average price is about 10*s.* 3*d.* or 10*s.* 6*d.*

3592. You said you thought that the average yield now might be from six to eight barrels; but that under an improved system of agriculture, supposing the farmers had capital to carry out the improved system, the same land might be made to yield double that quantity?—I should think so.

3593. Mr. *Scully.*] Do you mean by an improved system of cultivation, and with increased facilities of procuring manure?—I do not.

3594. Do they manure the land properly?—Not for oat crops; the usual way before the failure of the potato crop was, that the farmer put in a quantity of potatoes, and the next year he sowed oats in the same place; it is now generally turnips, and oats afterwards.

3595. Does he manure for the turnips?—Yes.

3596. And he has a crop of oats in the following year?—Yes.

3597. What is the quantity of turnips grown per acre?—I do not know; the land is not very fit for turnips; it is too light, and it is of a boggy nature.

3598. Have you a farm yourself?—Yes.

3599. Of what size?—Nearly 20 acres.

3600. Mr. *Leslie.*] What is your rotation of crop?—If the land is left for a year or two or three years it is grazed; then it is ploughed up for oats, and after oats a crop of potatoes is put in, or a turnip crop, and then oats again; and after that it is laid down with grass seed, and left a year or two for grazing again; and the same rotation back again.

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3601. Mr. *Scully.*] Have the potatoes continued to fail in the last year as well as in previous years?—For the last six years they have been continued failures.

3602. Were they better last year than the year before?—I think the year before was a better year.

3603. Have they planted much this year?—They have planted a good deal this year. The season was very favourable, and the poor people still have hopes that the potato may thrive, and they look upon it as their chief resource if it does thrive.

3604. Sir *W. Somerville.*] Has the price of oats fallen much within the last few years?—I think not.

3605. Not so much as other agricultural produce?—No.

3606. Not so much as wheat?—No.

3607. Mr. *Goold.*] You say they look to the potato as their chief resource?—Yes.

3608. That is, they carry on their farming more for subsistence than profit?—There is not a doubt of it. I would say that it is just for subsistence. It is not taken as a commercial speculation to make money, but as the means of support.

3609. Mr. *Leslie.*] You have said that you attended a man named Hughes at his execution?—I said that I was present.

3610. You have not been in the habit of attending prisoners?—No, I never attended one.

3611. Have you ever been a witness on any trial at any time?—I do not think I was on any of the cases which have been alluded to.

3612. Have you never been examined in a court of justice?—Yes.

3613. On what trial were you examined?—It was anterior to the period which has been talked about; I do not recollect exactly the time; I know that the time I was examined was before any of these matters which have been alluded to.

3614. Mr. *Scully.*] How many years ago may it have been?—I think it may be 14 or 15 years ago.

3615. Mr. *Leslie.*] You have never been examined in a court of justice since that time?—No.

3616. Was the case in which you were examined a criminal case?—I do not recollect at this moment.

3617. Were you called for the defence or for the prosecution?—It was to character that I was examined.

3618. Do you remember the name of the man upon whose character you gave evidence?—I do not recollect it at this moment;

moment; I was never examined on any point except as to character.

3619. You remember that you were examined as to the character of an individual, and yet you do not recollect the name of the man whose character you spoke to?—I do not recollect it at this moment. It is a long time ago.

3620. Mr. *Scully.*] Where was it?—At Armagh.

3621. Mr. *Bright.*] Have you been examined more than once in cases of character?—I think only once.

3622. Mr. *Leslie.*] Is your opinion of landlords generally very unfavourable to that class of people?—I think they are fond of charging high rents, or rents which are not easily paid.

3623. Can you speak from experience, in other districts besides your own parish?—Indeed, I think my own parish is pretty much a sample of what is done all round about in that way.

3624. It is a sample of other parishes in the neighbourhood?—Yes.

3625. You are certain of that?—Yes; the rents, particularly taking into account the fallen state of the markets and the altered state of circumstances, are considerably above what an industrious person can pay, and at the same time support his own family.

3626. Are you of that opinion from inquiries you have made on the subject?—Yes. I think the rents are so high as to be inconsistent with the support of a man and his family.

3627. Mr. *Scully.*] In your district, since the death of Mr. Mauleverer, have many theatening notices been sent to individuals, or any actual crimes committed?—I am not aware of any actual crime having been committed.

3628. Have you ever heard of farmers being intimidated by notices, or is there a system of terror prevailing among the farmers in that district?—I do not think there is. There may be instances of misunderstanding between one neighbour and another, but I do not know that there is any such system as that which is alluded to in the question.

3629. Have you ever heard of the Ribbon Society interfering in matters between individuals; that is, sending notices, or interfering in contracts between man and man, or anything of the kind?—I did hear of that.

3630. Do they send threatening notices in such cases?—I have heard of some notices of that kind being sent, but what they grew out of, or how they were brought about, I do not know. I am really very much inclined to doubt matters

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of this sort, because, sometimes, information of this kind may be given by parties who, I am afraid, have an interest in circulating such reports; indeed it is the impression on the minds of the country people, that there are some loose characters who are encouraged to get up matters of this sort. I think that reports of that kind ought to be received with great caution.

3631. Lord *Naas.*] In speaking of "loose characters," do you mean to say there are none but those whom you call loose characters connected with Ribbon Societies?—I do; we cannot administer the sacrament to any one, as long as he is associated with any secret society of the kind.

3632. Have you, on any occasion, refused to administer the sacrament for that reason?—They do not come; we publish in the chapel that they are beyond the pale of our jurisdiction, and that we have no authority from our bishop to administer any religious sacrament to them.

3633. *Chairman.*] Are you not bound to make a return of the names of persons to the bishop, whom you may have discovered to be members of an illegal society?—Yes; we are instructed to do so as we discover them.

3634. Mr. *Scully.*] Is it your opinion, that the number of Ribbonmen in the district with which you are acquainted is very small?—Yes; they are confined to a small number, and are of the very lowest class.

3635. Mr. *H. Drummond.*] In point of fact, those who belong to a secret society are excommunicated *de facto*?—They are.

3636. And you cannot say mass in the presence of a known excommunicated person?—They are not *ipso facto* excommunicated; they are persons whose conduct is such as that they deserve to be reported to the bishop, that he may deal with them as he thinks proper.

3637. Mr. *Scully.*] If they were to come under your notice as a clergyman, and were not to repent and change their mode of life, would you not refuse the sacraments, and they would *de facto* be out of the pale of the church?—There is not a doubt of it.

3638. It has been stated that subscription lists have been entered into in some cases for the defence of prisoners accused of murder; was there ever such a subscription list for a prisoner got up in your district?—I have heard that for persons who were accused of offences, and were not able to fee counsel, subscriptions were got up for the purpose of feeing counsel.

3639. Have

3639. Have those subscriptions been confined to persons of one religion more than another?—Money was given for that purpose by people of every religious persuasion in my district.

3640. Do you know of any priest who ever subscribed for that purpose?—I do not.

3641. If that has been stated to the Committee, do you say that it is not true?—I do, as far as I know.

3642. Was not Crossmaglen famous, in former years, for contentions between the different societies of Orangemen and Ribbonmen?—No.

3643. Never?—It never was.

3644. Were there never any fights in that district between the two parties?—Not in Crossmaglen; north of Crossmaglen, a little, there was an Orange lodge held; but I do not recollect a fight of that description.

3645. Or in the neighbourhood?—Not a regular fight; there was waylaying at fairs.

3646. Have there been any cases of attacks on the houses of Roman-catholics by Orangemen?—I have not heard of any.

3647. Have you heard that there have been such attacks in other places?—I have.

3648. You have stated that the origin of Ribbonism was the existence of Orange Societies?—Yes.

3649. Do you think that the differences between landlords and tenants are the cause of Ribbonism?—I do not think they are. I think that among every creed and sect discontent is fomented by the harsh proceedings of landlords.

3650. And that crimes arise out the relation of landlord and tenant?—Yes.

3651. You have alluded to the case of Mr. Powell in the year 1840; do you believe that to have been an agrarian crime?—I do.

3652. At that time was any such society in existence as the Tenant League?—I think not at that time.

3653. You are, perhaps, aware that the Tenant League Association has been formed recently?—Yes.

3654. Would you ascribe the increase of crime in your district, or in neighbouring districts, to the existence of the Tenant League?—I would not.

3655. Would you say there is any connexion between the Tenant League Association and the perpetrators of crime in the districts with which you are acquainted?—I think the Tenant League has a directly opposite effect, inasmuch as

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hopes are held out that the condition of the tenant may be improved; and I think that very expectation tends very much to promote peace, and that any hope which is at all afforded that at any prospective time relief will come in the shape of a quiet and peaceful arrangement of the differences between landlord and tenant, tends very much to the preservation of peace.

3656. Is it your opinion that the impression of the people generally as to the objects of the Tenant League is, that they are to transfer the property from the landlord to the tenant, and leave the landlord a mere quit rent out of the property, and to transfer all the rights which he now has into the tenant's hands, leaving him merely the nominal ownership? Is that the impression in the country as to the objects of the Tenant League?—It is not. I think the impression of the people with regard to the Tenant League is, that the object of it is to obtain a security for the tenant which he has not at present, and that the tenant not having protection in the shape of law for the expenditure of his capital, the object of the Tenant League is merely to get that protection which is now denied him; and that very protection will be a guarantee to the landlord.

3657. Mr. *Leslie.*] Then you are a tenant leaguer?—My opinion is that way.

3658. Mr. *Scully.*] You have a strong opinion in favour of a change of the law in respect of the relations between landlord and tenant?—I have.

3659. And you think that may be brought about by peaceable and constitutional means?—Yes.

3660. Do you believe that the Tenant League are taking a peaceable and constitutional mode of accomplishing that object?—I do; and their motto is, in point of fact, that every one who does commit a crime in the prosecution of that object is an enemy to the Tenant League.

3661. Mr. *Bright.*] I presume what you mean in regard to the Tenant League is, that they endeavour to make the people understand the question, and they make efforts to get legislation in their favour?—Yes.

3662. Are you to be understood as justifying and defending, and identifying yourself with every statement which is made by the Tenant League?—No.

3663. Lord *Naas.*] Do you think that the tenantry would be generally satisfied with a law which would secure to the improving tenant compensation for his damages in cases of eviction?—I think a law which would guarantee to the tenant

tenant remuneration for his expenditure, would go very far to benefit the tenantry; indeed I would say that it would satisfy them. I think the tenant should be guaranteed his expenditure upon his farm.

3664. Mr. *Bright.*] You mean, of course, expenditure in actual improvements?—Yes; suppose he took a farm, built a house upon it, made drains, and fenced it, and that he thus expended a certain amount of money, if a tenant before he was put out got back the sum he had expended, or continued in possession until he got it, I think that would satisfy them.

3665. Mr. *Solicitor-General for Ireland.*] You have been a long time in the parish in which you are now resident?—Yes.

3666. How many years were you curate before you were rector?—I think about five years.

3667. Your opinion, from your observation is, that Ribbonism arose as antagonistic to Orangeism?—Yes.

3668. You have stated to the Committee, that there is no Orange lodge in Crossmaglen, nor Orangemen, except at a distance of a few miles to the north from you?—I said that, in the village of Crossmaglen, there were not any Ribbon lodges held, or any Orange lodges held; but there is an Orange lodge less than a mile north of it.

3669. Are you sure that the Orange lodge sits now?—I do not know.

3670. In Crossmaglen there is no Orange lodge?—No.

3671. You have stated that you think the crimes which have been unfortunately committed arose chiefly, in your judgment, out of the unfortunate relations of landlord and tenant?—I did.

3672. And that all classes alike suffer from that, and are equally vindictive?—Yes.

3673. Mr. *Bright.*] When you speak of "classes," you mean religious classes?—Yes.

3674. Among the list of murdered people, do you remember Macreesh's case?—Yes.

3675. Do you remember the case of M'Farlin, of Johnston's Bridge?—That is not in my parish; but I remember the case.

3676. Do you remember the case of Mrs. Devlin, of Creggan?—I do.

3677. Do you remember the case of Ward, of Drumlougher?—I do.

3678. Do you remember the case of Maclean, of Creggandu ff?—I do.

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3679. Do you remember the case of Clarke, of Courtbawn?—I do.

3680. Do you remember another case of Clarke, of Courtbawn?—I do.

3681. Do you remember the case of Gordon?—I do not.

3682. Do you remember the case of M'Kenna, of Federna?—I do not.

3683. Do you remember the case of R. L. Mauleverer, Esq.?—I do.

3684. Do you remember the case of Mr. Marmion?—I do not.

3685. Do you recollect the case of Mr. Powell?—Yes.

3686. Do you remember the case of Agnes Carey, of Clarna, fired at and wounded in the parish of Creggan?—I do.

3687. Do you recollect the case of W. M. Hill, of Ball's Mill?—I do.

3688. You have spoken to-day of Eastwood's case, of Bateson's case, and of Chambré's case?—Yes.

3689. Can you tell the Committee any one instance, in all those cases to which I have drawn your attention, of a single Protestant being accused, imprisoned, or tried for any of these crimes?—Not one.

3690. Mr. *Bright.*] How many cases have been mentioned to you?—Fourteen. Macreesh of Drumlougher was a person who seduced a girl, and there were very angry feelings on the part of some of the friends; he took also a farm. M'Farlin's case I recollect; that was a good many years ago, I think 14 or 15, and it was also an agrarian murder; he came to a place where a number of people had been dispossessed, and took possession. Mrs. Devlin of Creggan, that was a quarrel between her husband and herself; they were both drunk, and he beat his wife to such an extent that he left her as dead, and she did not recover. Maclean of Creggandu ff; I recollect that case, and the impression of the country was that that was a dispute between Maclean and another man; they were road-makers, and were both Protestants; there was no person tried; it is only just the talk of the country that there were differences between them about bidding for a road; one under bid the other and got the road, and there was an angry feeling between the two men. I am only stating what is the impression generally through the country. The two Clarkes; we had that case overhauled. Gordon, I do not recollect at all. I never heard of M'Kenna of Federna in my district. Mauleverer's

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case I recollect. Marmion's case was out of my district, but there is an impression on my mind that I heard something of the beating of a man of the name of Marmion, who was concerned in land. Mr. Powell's case I remember. Agnes Carey; I do not recollect any case of that sort. W. M. Hill, of Ball's Mill; I recollect that case; it occurred 10 or 12 years ago.

3691. Mr. *Solicitor-General for Ireland.*] Irrespective of that list which you have in your hand of the later cases which have occurred round about you, but not exactly in your parish—Bateson, Eastwood, Chambré, and M'Intaggart, can you name to the Committee any one instance, according to your recollection, of a Protestant being tried for these crimes?—No.

3692. You have already stated the great preponderance in your parish of 20 to 1, or it might be at one time as much as 40 to 1, of one persuasion over the other; and you also added, that it so happened that the one class, that is, certain classes of the Protestants, may be better off in the world than some of the others?—Yes.

3693. Mr. *Bright.*] Are you aware whether there are several cases in the list that has just been submitted to you, where no person has been tried for the offence, and no person, in fact, apprehended?—Several cases; and no efforts made.

3694. And therefore it does not follow, that because you are not able to point out the religion of every person who committed all those crimes, they may not have been committed by Protestants as well as Catholics?—Certainly, it does not follow. There are several cases where there was no prosecution at all, and no arrest made.

3695. Mr. *Solicitor-General for Ireland.*] In Mauleverer's case, the present Chief Justice of the Common Pleas came down to Armagh to prosecute?—Yes.

3696. Do you recollect that Hanratty was the person who was tried?—Yes.

3697. Was he acquitted?—Yes.

Lunæ, 10° *die Maii*, 1852.

MEMBERS PRESENT.

Mr. Baines.	Mr. Solicitor-General for Ireland.
Mr. H. Drummond.	Mr. Goold.
Mr. O'Flaherty.	Mr. Hatchell.
Mr. Keogh.	Mr. J. Young.
Sir W. Somerville.	Mr. Caulfield.
Mr. Scully.	Mr. Fortescue.
Lord Naas.	Mr. Bright.
Mr. Leslie.	

THE ATTORNEY-GENERAL FOR IRELAND IN THE CHAIR.

Rev. *Michael Lennon*, called in; and further Examined.

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3698. Mr. *Keogh.*] HAVE you any means of knowing the number of ejectments which were brought upon the estate of which Mr. Mauleverer was agent?—I was present at the inquest that was held at the time, and the bailiff who was employed swore that he served over 200 ejectments; I think the number was 218 upon that one estate.

3699. They were all in one year?—Yes.

3700. Do you know what was the amount of the gross rental of that estate?—The rental for the three parts was 1,781 *l.* 9*s.* 11*d.*

3701. What is the poor-law valuation of that estate?—£.1,380.

3702. How much was paid in one year by the two-thirds of that property?—By the account filed by one of the receivers it appears that there was paid to one 423 *l.* 18*s.* 7*d.*, and to another reciver was paid 481 *l.* 16*s.* 11*d.*, making altogether 905 *l.* I think.

3703. Mr. *Solicitor-General for Ireland.*] At what time?—From March 1849 to 1850; the account was filed in 1850.

3704. Mr. *Keogh.*] If the other third was made to the proportion, how much would the money actually paid exceed the poor-law valuation?—By 79 *l.* 5*s.* 6½*d.* I think.

3705. Mr. *Solicitor-General for Ireland.*] You say that you were present at the inquest on the body of Mr. Mauleverer?—I was.

3706. Was

3706. Was an inquiry gone into at the inquest as to the number of ejectments which were served on the property over which he was agent?—The bailiff was asked whether he knew what number of ejectments had been served on the property.

3707. Who asked him that question?—I think it was the person who conducted the inquiry.

3708. Who was that?—The coroner.

3709. Do you state that the coroner, in inquiring into the murder of Mr. Mauleverer, entered into an examination of the number of ejectments which the bailiff had served on the estate over which Mr. Mauleverer was agent?—I have stated before, that the question put to the bailiff was as to the number of ejectments which was served.

3710. By whom was he asked that question?—I have stated that he was asked the question by the coroner. My impression is, that it was the coroner; he was the person who conducted the inquiry. I cannot charge my recollection whether he put the question, or by whom it was put. There were magistrates present.

3711. The bailiff was asked how many ejectments had been served?—Yes; I really do not know who asked the question.

3712. The question was asked?—I think so, because the number was brought out.

3713. What was the answer?—I think the answer was, that he had served over 200; I think he said 218.

3714. Was any further inquiry gone into upon that occasion, as to the mode in which Mr. Mauleverer had behaved himself as agent?—I am not aware that there was.

3715. Was any explanation given or asked of the 218 ejectments?—I really do not recollect that there was.

3716. There was none, you think?—I do not recollect that there was.

3717. Did he state that there had been a middleman who was to be evicted, and that in order to complete the eviction of the one middleman it was necessary to serve everybody in possession?—I think he did say that; it was stated that there was a certain number of ejectments which had reference to the title of the middleman.

3718. And not to put the people out at all, but to put out the middleman?—He stated that there were 151 ejectments, and that 67 were ejectments served on parties who held under immediate landlords.

3719. Did he state, or was it stated in your hearing, that there was a lease held by a middleman whom it was necessary

to

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to evict, and that in order to his eviction it was necessary to serve the occupying tenants legally, although not for the purpose of putting them out of their farms?—I think the bailiff stated that a certain number of them were for the purpose of evicting the interest of the middleman.

3720. Did you ever see a letter written to a London newspaper with respect to Mr. Mauleverer's conduct as agent?—I did.

3721. Did you see that letter before it was printed?—I did not.

3722. Did you know that it was in the act of being written?—I did not; until I saw it printed, I knew nothing of it.

3723. In point of fact, you know that the coroner, who put those questions, did write a letter to "The Times" newspaper about Mr. Mauleverer and his conduct?—Yes.

3724. Was it signed by the coroner?—It was.

3725. Did you afterwards see, in reference to that letter, a publication by Mr. Quinn, a gentleman whose name was mentioned, in self-defence?—No.

3726. Was not his name mentioned in the progress of the inquiry before the coroner?—No, I do not think it was.

3727. Was not Mr. Quinn mentioned in the coroner's letter?—No, I think not. There was a letter written by the brother of Mr. Mauleverer, and I think he fell into a mistake; I think he confounded the property of Mr. Quinn with the property over which Mr. Mauleverer was manager, in reference to some ejectments which had taken place in the same week, or in the early part of the week in which the unhappy matter occurred; there were a number of people evicted on the property of Mr. Quinn.

3728. Do you remember this passage: "While these things were in progress, the sheriff, accompanied by a number of bailiffs, armed with pickaxes, crowbars, &c., and a large number of police, came to the lands of Loughcross, the property of Mr. Quinn (and with which the assassination of Mr. Powell, some seven years ago, was connected)"?—Yes.

3729. Did you see a letter of Mr. Quinn's in reply?—There was no letter in reply to that from Mr. Quinn, if I recollect; I think it was from Mr. Mauleverer's brother.

3730. From Mr. R. Quinn?—I did not see that letter.

3731. You have mentioned your opinion about the value of lands, and about what you conceive to be the objects of the Ribbon Society; will you state, distinctly, what you conceive to be the objects of the Ribbon Society?—I think I have stated

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stated already that I conceive the Ribbon Society has been brought into existence by another society. The result of my observations and experience in that part of the country leads me to the opinion that the Ribbon conspiracy, as such, is rather of a political than a social nature, and that it has been brought into existence by another society. Looking at the result, in fact, what has followed mostly has been waylaying and drunken riots, and matters of that sort; and I think the Ribbon Society, as such, is not the cause of those things which are so very properly being inquired into by this Committee; wherever Orangeism has been abated in that district, I know, as the result of my experience, that the Ribbon Society has ceased; and I think that never have secret societies been so little prevalent in that neighbourhood as they have been for the last few years; I do not think there is any definite object intended by the Ribbon Society, in reference to the land outrages at all.

3732. Would it not follow from that answer, that where Orangeism was strongest, Ribbonism must be strongest also; and that the more Orangeism there was, the more Ribbonism there would be?—No; I do not believe that would follow.

3733. If it is called into active operation by reason of its antagonism to the other institution, called Orangeism, would it not follow that where Orangeism was strongest, Ribbonism would be most in force?—The existence of an Orange Society, or lodge, in our district, will give rise, and has given rise, as I know myself, to the existence of another society.

3734. Where there are most Orange Societies, would it not reasonably follow that there would be more Ribbon Societies?—Wherever there is an Orange Society, my experience and observation have brought me to that conclusion.

3735. Is it not the fact, that as you go far north, where the system of Orangeism is strongest, Ribbonism is weakest; and that you do not hear of those outrages into which we are inquiring?—I do not know that it is the fact.

3736. Take Antrim or Derry?—I am not prepared to give an opinion.

3737. You have not heard of such crimes as the Committee are inquiring about, being committed in those districts far north?—My impression is, that wherever in my own neighbourhood the property is fairly rented and fairly managed, no outrage has ever occurred.

3738. That is not an answer to the question?—I am stating what has led me to think that these societies are not the cause of the outrages into which you are inquiring, because, even in the localities

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localities to which I am adverting, I never knew an outrage to occur upon any property which was fairly rented and equitably managed; and even on properties where outrages have occurred, after a fair arrangement of the rent was made between the landlord and the tenant, and a proper understanding come to, there has been peace and tranquillity.

3739. You have stated that in your opinion Ribbonism arose from the necessity of opposing Orangeism?—Yes, real or imaginary.

3740. If that be so, might it not be expected that in the parts of the north of Ireland, where Orangeism is strongest, Ribbonism would also be strong to resist it, and to be antagonistic to it?—That may be so.

3741. Would not that strike you?—Yes.

3742. Is that the fact?—You were adverting to this, that I said the result of Ribbonism is not outrages of an agrarian character. I know that faction fights and outrages, which generally spring from these circumstances, are more or less prevalent in the north of Ireland than they have been in other parts.

3743. Can you state to the Committee that in the parts of the north of Ireland where Orangemen are most numerous, and Orangeism is strongest, you find also that Ribbonism is strongest and most in force?—I am not prepared to give an opinion on that; I am not sufficiently conversant with the state of the north.

3744. Have you had no experience of other parts of the north of Ireland?—I have not.

3745. Have you heard in Antrim, Derry, Fermanagh, and far north, of crimes of the like nature to those which the Committee are inquiring into, as having been committed within the last two years?—I do not immediately recollect it.

3746. You have described to the Committee, Powell's case?—Yes.

3747. Do you recollect the statement which was made in court by Hanratty, the informer, in reference to Mr. Powell?—I think I recollect some matters which he stated.

3748. Do you recollect his stating, that he had no land under Mr. Powell; that he had no quarrel with him; and that in point of fact, he did not know him as an individual?—I think I do recollect it.

3749. Do you recollect his stating that he was sent for, and that he came to the public-house where certain persons were assembled—Woods, and the rest, who informed him that a man was to be beaten?—Yes, I think I do.

3750. Do

3750. Do you recollect his stating that he went with them to the murder, without rightly knowing whom they were going to murder?—As you have revived my recollection, I do recollect it; but I certainly did not believe one word that Hanratty said from beginning to end; I knew him to be a most infamous character; he had been convicted of stealing fowls, and he had got out of gaol only a few days before.

3751. He described all that you have stated?—Yes.

3752. And that he was placed at the door with a gun?—Yes.

3753. Do you recollect his stating, that he would have shot Miss Powell and her sister, and man, woman, and child, according to his orders, if they had passed that way while the party were engaged in the murder of Mr. Powell?—Yes; but I did not believe one word of it, from the begining to the end.

3754. Assuming that to have occurred as the wretched man described, to what except Ribbonism and the power of the confederacy, could you ascribe the conduct of that man in going to kill his fellow-creature, with whom he had no quarrel, and whom he had never seen?—I do not think the man was a Ribbonman at all. I think it was a fiction which he had framed in his own mind, just on purpose to get a reward.

3755. You do not mean to say that it was a fiction, that they had agreed to murder Mr. Powell?—No.

3756. And that they went there and did murder him, is no fiction?—Certainly not; that is a reality.

3757. You are not asked your belief of Hanratty's character, or your belief in his strict veracity; but assuming that he told that story truly, will you state what, except the existence of some such society or confederation as Ribbonism, could induce that man, or any other man, to proceed to murder his fellow-creature with whom he had no quarrel?—I do not think it is fair to concede the assumption; I think the assumption is a wrong one; I would not believe one word from Hanratty upon any subject.

3758. He swore that he was sent for; that he came to the public-house; that he found there the parties seated; that they told him there was a man in a certain place who was to be killed, and that he went to see that man killed; do you recollect that?—Yes.

3759. What motive, except Ribbonism, could a man under those circumstances have to induce him to commit such an act?—The motive of getting a reward; my impression was, that he gave his information without knowing one iota of the murder at all, and that he concocted the story for the sake of getting

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getting a reward; that is my conviction of Hanratty, from all I know about him.

3760. Do you believe it was in the power of a human being to invent the whole of that story as he narrated it, with all the circumstances which he described with so much ease?—It is putting a poor estimate on human nature; but I think the fellow was so bad a character that he would do anything, and that he would concoct any story, that he could successfully, to get money.

3761. Did you ever see a man who, being severely cross-examined, could contrive to invent circumstances fast enough without running the risk of being contradicted, as that man did; and do you recollect the perfect ease with which he gave his evidence?—I do; and I was never more astonished.

3762. If that man swore truly that he was sent for, that he came accordingly, and that he went to murder a man of whom he knew nothing; could anything but the obligation of such a confederacy as that of Ribbonism induce a man to commit that crime, according to your judgment?—I have already stated that I believe the man belonged to no society; that no society would let him into their body at all; and that the story he made up was a regularly concocted story of his own.

3763. *Chairman.*] Do you mean that the story in itself was fiction, or that merely as against the individuals implicated, it was a fiction?—The story that he told about the murder, I think he made up himself.

3764. Do you mean the details of the account of the murder?—Yes.

3765. Mr. *Solicitor-General for Ireland.*] Do you believe that Woods, who was hanged, was innocent?—Woods was a tenant on the property; and I know there was an angry feeling on the part of all the tenants on the property towards Mr. Powell. There was a feeling of discontent and dissatisfaction at the prospect of being turned out. I believe firmly that Woods was not at the house, but whether he was privy or not to the matter I will not undertake to say; he was a very old man, and he was a long distance away. I saw two or three people, on whose word I could place the greatest reliance, who assured me that they saw him more than seven miles away from the house a little before dark on the evening of the murder.

3766. You recollect that he had a horse, being rather slow of foot, to ride to the place?—Yes.

3767. In

3767. In reference to Hughes, do you recollect that Hanratty swore that he accompanied him to the murder?—I think he did.

3768. Miss Powell swore that he stood beside her in the parlour before her father was dragged out?—Yes.

3769. And that she struck up the pistol which he levelled at her father, and that he struck her on the head, and drew blood from her, which dropped on the cape of his coat?—I recollect it.

3770. Do you remember the chemist swearing that there was blood on the cape of the coat?—I do.

3771. There was a third witness, a woman who lived on the way leading to Mr. Powell's house, who also swore she saw Hughes go up there?—Yes, I think so.

3772. Do you remember the description given by Miss Powell in her information, before she saw Hughes or knew his name, as a tall, thin, yellow-faced elderly man?—Yes.

3773. Which was exactly his description?—Yes.

3774. Do you recollect also the policeman swearing that when he went to arrest him he gave a false name, and called himself Maurice?—Yes, I think I do.

3775. Do you recollect also the policeman swearing, that on looking out from the door, he saw a boy running across the bog with something on his back, which he guessed was a coat, that he pursued him, overtook him, and brought back the bloody coat?—Yes.

3776. And do you recollect that that coat was produced, that the bottom part of it which was supposed to have touched the body of Mr. Powell had been washed, and that on the cape there was blood?—Yes; that was a strong case, if you separate it from the defence which was made, and which you yourself brought out most ably.

3777. You have stated to the Committee, and truly stated, that there are no resident gentry in this district for eight or ten, or twelve miles?—Yes.

3778. Did Mr. Quinn wish to become a resident gentleman, when he inherited that property?—I believe he did.

3779. And when he employed Mr. Powell as his steward?—I heard so; and it was stated that that was the reason the people were putting him away.

3780. He wished to have a little domain, and to plant some trees to adorn the place fit for a gentleman to live in; is not that the fact?—I believe so.

3781. And he sent down Mr. Powell, who was a stranger in

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in the country, as his steward to carry out these improvements?—Yes.

3782. Do you think Mr. Powell had any conception that he had offended the people?—I think that he was under the impression that they were not pleased with him.

3783. Was he employing a good number of them?—He was.

3784. And paying them good wages?—He was.

3785. Did Mr. Quinn agree to give the tenants whom he wished to give up little bits of ground for the purpose of planting a domain, other farms on his own land?—Yes.

3786. Did you ever hear that they intended to murder Mr. Quinn, but that not meeting him, they murdered Mr. Powell as his deputy?—No.

3787. Do you remember its being proved on the trial, that he was sitting taking a glass of punch with his daughter in the parlour, when they came in?—Yes.

3788. They did not kill him in the parlour before his daughter, but he was stabbed there, and taken outside the door?—Yes.

3789. Do you recollect the evidence given of the words which were spoken by the man who pulled the trigger of the gun, "I will put you from planting Tullyard"?—I think I recollect it.

3790. That is, they would put him from planting the trees which he was engaged in planting in this bit of pleasure ground?—Yes.

3791. Mr. Quinn has not since gone to reside there?—No.

3792. With reference to Mr. Mauleverer, the man who was tried for his murder was not a tenant on the land for which Mr. Mauleverer was agent?—He was not.

3793. Mr. Mauleverer was killed as he was going to the railway, about one o'clock in the day?—Yes.

3794. He left Crossmaglen and drove off with the carboy?—Yes.

3795. Do you know the land for which Mr. Mauleverer was agent?—I do.

3796. That is the land you have been describing?—Yes; the proprietors' names are Hamilton, Tipping, and Jones.

3797. Mr. Mauleverer left the hotel in the broad daylight, to drive to the railway?—Yes.

3798. And he was stoned to death; that is, his brains were beaten out with jagged stones?—Yes.

3799. You were present at the trial of Hanratty, the blacksmith?—I heard a part of the trial.

3800. Did

3800. Did you hear the jury say that morally they were satisfied of his guilt, but regretted that they had not legal evidence upon which they could conscientiously find that verdict?—I do not; but I know there was a statement to that effect in the newspapers.

3801. In reference to the administration of justice, does not that show a very watchful regard for the life of a person on trial, and a struggle against their conscientious conviction upon their belief that the legal proof was not sufficiently full?—I am not sufficiently learned to state that I believe it was for want of legal evidence. That would be the impression which the observation would make on one's mind.

3802. The curiosity of that case was, as you recollect, that the unfortunate gentleman had a stick with a notch in it, and that he struck the man on his head?—Yes.

3803. And the doctor proved that the stick had some of the hair of the prisoner's head sticking to it?—Yes.

3804. You have given an opinion about the innocence of Hughes, will you give an opinion about the guilt or innocence of Hanratty, and do you think he was guilty from what you heard in court?—I cannot say.

3805. What became of him?—He went to America.

3806. Is he dead?—It is so reported, but I have no evidence of his death, except the report in the newspapers.

3807. Did you hear that he had confessed the murder before his death?—It was so stated in the newspapers, but I did not believe that part of the matter.

3808. Mr. Mauleverer was certainly murdered in the broad daylight, while he was driving to the railway station?—Yes.

3809. Can you account for the fact that nobody gave evidence to identify the murderers?—I really cannot.

3810. Do not you recollect the persons who were examined on the trial, who passed in the field the man with the cape and the man with the hat, and that they stated they could not identify them?—Yes.

3811. The fact is that nobody identified them?—Yes.

3812. And it was about one o'clock in the day, the people were at work in the fields, and you remember that the police constable chased for three miles, and finally came up with, two men, one with a cape and the other with a hat, and that Hanratty tried to wrestle his gun from him?—There were not a great number about the road; it was at a time of the day when the people generally go to their dinner.

3813. Do not you recollect a witness who was examined, who stated that a man with a hat and a man with a cape had

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passed him, but he could not identify them?—Yes, a good distance off.

3814. And the car-driver could not identify them?—I recollect he stated that there was a shot fired; that the horse took fright, that Mr. Mauleverer dropped off the car, that he could not pull up the horse until he had gone a certain distance, and that the place where he pulled up the horse was at a wind in the road. It is a very curious locality altogether.

3815. He could not identify the man who killed the gentleman whom he was driving on the car?—He could not; and you must take also the fact that he was a stranger in that part of the country, and not much acquainted with the people.

3816. Is it the custom, in that part of the country, for the workpeople to dine in the fields, or do they go home?—They go home generally.

3817. On this occasion several persons were in the fields, who could not identify the parties?—Yes.

3818. Did any living man but the car-driver say, that he heard a shot fired, or that his horse ran away?—I do not know whether it was proved that there was a shot fired; but I know the impression, generally, throughout the district was, that the people who were working in the bog at some distance off, heard a shot about the same time.

3819. Is it your opinion that the commission of such a crime, under such circumstances, is connected with any unlawful confederation or combination of persons; that is, a combination of persons, who to effect their object, employ a stranger to murder a man with whom he has no ground of quarrel?—My view with regard to that particular matter is this, that in cases where very high rents are charged, and very offensive methods taken to recover them, and great litigation for the purpose of recovering rents, which it is impossible that the tenants can pay, there is a great deal of discontent; and I think that out of this discontent may arise a disposition, and a desire in fact, that the person who is instrumental in carrying on these harsh proceedings may be got rid of; and, that that affords an opportunity to some bad man or bad men, and that it gives them cause, or a plea, or an excuse for perpetrating these wicked deeds. I think it is not the result of combination; for my settled conviction is, that if there was not a secret society in the country, a Ribbon Society, or an Orange Society, or any other society, as long as the law with regard to the relation between landlord and tenant remains as it is at present, giving unlimited power to the owners of land to charge

charge what they please, and to take whatever harsh remedies they please for the purpose of recovering these very extravagant rents, the same causes will always produce the same effect; and I am satisfied that if all the secret societies were banished out of the country, and the Ribbonmen hanged or transported, the same unhappy state of things would continue, unless there were some fair and equitable arrangement made between the owner and the tiller of the soil.

3820. And that no system of instruction, no teaching, and no exhortation will produce a change for the better?—I am afraid not; I am afraid that certain parties, when they see themselves turned out on the world, having neither house nor home, and find themselves made outcasts, and what they think the rights of industry and labour, and the rights of nature, in some instances disregarded, they, in their turn, will turn on their aggressors, and forgetting what they owe to instruction and religion, and the influence of the clergy, will sometimes be led by wicked companions to perpetrate these wicked deeds.

3821. And violate in broad day the law of God and of man?—Yes, which we all deplore, and which I lament beyond anything, and would like to see some steps taken which would restore peace and happiness.

3822. That is your opinion of illegal confederations?—Yes.

3823. The same murderous outrages do not occur all over the north of Ireland which do occur in this district which we are inquiring about?—No; and the way that I account for that is, that the possession of land is a life and death question, and that if the people do not get employment in the shape of cultivation of the ground, they have no other employment; they have no manufactures, and no imaginable way of supporting themselves, except that which the cultivation of land affords.

3824. Mr. *Scully.*] You are of opinion that that state of things does not exist in other parts of the north of Ireland?—I think it does not; and that is a remarkable feature about that part of the country.

3825. Mr. *Solicitor-General for Ireland.*] How is a man to improve, or to introduce a better system of cultivation or manufacture, unless he have security for his life. If Mr. Quinn or any other gentleman says, "I will reside here and lay out money in improvements," how is he to be expected to do that unless he is certain that he has security for his life?—I agree with you perfectly that he cannot do it. What I would impress on the Committee is, that if there was a state

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of society whereby poor people could earn a livelihood, either by manufactures or in any other way, I think there would be perfect security. It is poverty which provokes to crime; and when a man sees himself stripped of everything, and there is pressed on him the necessity of forgiveness, I have known several cases where he would turn round and say, "Indeed, I could forgive everything that is done to myself, but look at my wife and children." That is the real case.

3826. Mr. *O'Flaherty.*] Do you mean to say, that if in the country there was a good deal of manufacturing industry going forward, there would be an absence of crime?—Decidedly, that is my conviction.

3827. Then you attribute the crime altogether to competition for land, or to removal from the possession of land?—Yes.

3828. Mr. *Solicitor-General for Ireland.*] And to absenteeism?—Yes.

3829. How can you expect proprietors of land to go there, who, if they attempt to improve the ground so as to make it habitable for any gentleman, they risk their own lives, or the lives of the men whom they employ in making those improvements?—When there were no outrages at all of any description, no proprietors lived there. As I have said before, the land was chiefly reclaimed as a wild country by the people who now till it.

3830. The Committee have been inquiring about the case of Mr. Quinn, who was the owner of property, and you are aware that the reason why he did not go to reside there was, that his steward was murdered, and that he was apprehensive of his own life. How do you expect a proprietor of land to live there, if when he is making improvements which are necessary to his own decent existence, he puts in peril the life of his steward, or his own life?—I must admit that, looking at the matter in that way, I agree with you.

3831. Mr. *O'Flaherty.*] You have stated in a former part of your evidence, that Mr. Quinn had dispossessed a good many men from the land?—He did.

3832. Mr. *Solicitor-General for Ireland.*] Not one, without a positive and distinct understanding, and even showing many of them the places where they were to have their farms; is not that the fact?—I stated in the commencement something to that effect; and I stated that Mr. Quinn intended to provide other places; but that when they went to see those places they did not like them; that other people had claims upon them;

them ; and that they were told they had no right to go there until the parties who had the land were compensated.

3833. Is it not the fact that the steward told them that they should have other places to live in, in lieu of those which they were requested to give up?—That was talked of, but they got no money, nor did they get the places.

3834. Mr. *O'Flaherty.*] In point of fact, did they receive what they were promised?—They did not.

3835. Were they dispossessed without receiving any gratuity for the possession of those places?—They were.

3836. Mr. *Solicitor-General for Ireland.*] Harshly dispossessed?—The ejectments were taken out against them ; and Mr. Powell commenced working on the ground, without a settlement being made between the landlord and the tenants.

3837. That led to Mr. Powell's death?—Yes.

3838. Did he employ the very people themselves in making these improvements?—I think some of them were employed, and others refused to be employed ; some of the tenants having no other way to live, were glad to get a day's work.

3839. Mr. Powell employed the very people themselves on that estate in making these improvements, and paid them, and among the rest he employed Hughes?—Hughes was not a tenant at all.

3840. Was Hughes employed?—Yes.

3841. And paid?—Yes.

3842. Were the other people round about paid by the steward to make these improvements?—Some of the tenants did work ; and others, I think, refused to work, from an angry feeling, that they were not satisfied that the work should go on until they were compensated.

3843. He employed several, and paid them?—Yes.

3844. And promised that any one who gave him a little patch of land should have another patch in another place?—I do not know.

3845. Was that Mr. Quinn's statement?—I believe so.

3846. Mr. *O'Flaherty.*] With reference to those parties who were on Mr. Quinn's property, and who were removed, were they removed by ejectment by due course of law?—I believe so.

3847. Mr. *Solicitor-General for Ireland.*] Are you sure of that?—I think so ; the ejectments were taken out.

3848. Mr. *O'Flaherty.*] Were ejectment notices served on those parties?—They were.

3849. Were they proceeded on before the assistant-barrister?—Yes.

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3850. Were the decrees taken out?—Yes.

3851. Was it under those decrees that these people gave up the land to Mr. Quinn?—Exactly.

3852. *Chairman.*] Was it with reference to that portion where the planting was going on?—Yes.

3853. Were there any decrees executed there at all?—No; the people were living in their houses at the time.

3854. Mr. *Solicitor-General for Ireland.*] Where the trees were planted, were there any decrees taken out?—Yes; that is the very particular part as to which the decrees were taken out.

3855. You have spoken about the valuation of the farms; has the value of agricultural produce in Ireland changed within the last few years?—Very much indeed.

3856. And the landlords have suffered as well as the tenants, in poor-rates, and taxes, and diminished rent?—Yes.

3857. And suffered severely?—Yes.

3858. And you are of opinion, that in accordance with the depreciation of agricultural produce, there ought to have been a corresponding diminution of rent?—I think they would have got a great deal more rent if they had entered into an arrangement with their tenants at an earlier period.

3859. Mr. Maulcverer was a receiver appointed under the Court of Chancery?—He was.

3860. And of himself he had no power to diminish rents?—No.

3861. Do you know that he did apply, before he was murdered, for a diminution of no less than 4 *s.* in the pound for the tenants?—I do; but it was on the condition of paying two years' rent.

3862. Did he apply for an abatement of 20 per cent.?—Yes.

3863. And got it for them?—Yes.

3864. Mr. *Scully.*] On what condition?—On condition of paying two years of the back rent.

3865. Mr. *Solicitor-General for Ireland.*] Was that condition laid down by the master?—Yes; the condition was, that any one who should pay two years' rent should get a reduction of 4 *s.* in the pound.

3866. Then they owed more than two years' rent?—Yes.

3867. Did any of them owe four years' rent?—I would not doubt it.

3868. Did any of them owe six years' rent?—I do not know.

3869. Is he not an unfortunate landlord whose property is brought

brought into the Court of Chancery, if he has to pay poor-rates and taxes, and gets for three or four years no rent?—In that part of the country the landlord does not generally pay the poor-rate. When the tenant is in arrear, the rate is taken off the tenant; and he gets no allowance if he is not able to pay the running arrear.

3870. Supposing the landlord gets no rent for three or four years, what is to become of him?—I think his case is a bad one.

3871. Mr. *Goold.*] Are there any small holdings; for instance, rated under four pounds?—A great number.

3872. Are you not aware, that in that case the rate is levied from the landlord and not from the occupier?—I would say, that in most instances where a tenant is rated under four pounds, and does not pay his rent correctly, the landlord pays the rates for him. The rate-collector levies the rate on the property, on the occupying tenant.

3873. Mr. *Solicitor-General for Ireland.*] However, the landlord's case is a hard case?—Not a doubt of it.

3874. Over this property, was there a lease to a person of the name of Maculla?—Yes.

3875. Of upwards of 700 acres?—It was three townlands, I think.

3876. At a rent of about 130 *l.* a year?—I do not know.

3877. That was the rent which the landlord would be entitled to receive?—Yes.

3878. Did Maculla look to Miss M'Master?—Yes.

3879. And all the smaller tenants were under her?—Yes.

3880. Is it not the fact that Maculla did not get the rent reserved in his lease which he made to Miss M'Master, to pay the rent, which he was bound to pay the landlord above, the 130 *l.* a year?—I would not doubt, that latterly payments were very bad; but I know the agent, who had that property before Mr. Tipping, told me that he never met so good a paying tenantry as the tenantry on that property.

3881. Is it not the fact, that it was impossible for the middleman to obtain rent enough to enable him to pay 130 *l.* a year, which he was bound to pay to the superior landlord?—I really do not know.

3882. Was there not an attachment taken out against Mr. Maculla?—I really do not recollect.

3883. Was he not obliged to pay out of his own pocket rent which he had never received from the tenants?—I really do not know.

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3884. Was there not an ejectment brought to evict the middleman?—Yes.

3885. And in doing so the tenants were all served with ejectments, and consequently Mr. Mauleverer was murdered? —Yes.

3886. You have given in evidence some receipts? —Yes.

3887. Did you tell the tenants what you wanted those receipts for, when you asked for them?—Yes, I did; I said I wanted them for the purpose of showing that my statements were true. In putting in those papers, I did not do it as wishing to have it understood that they are worse than any others, but as a sample merely of the system of renting.

3888. That is to say, that now there is an abatement made in accordance with the depreciation of the time?—Yes; my impression was that it would be well to show the Committee the high rents which are levied, by showing the former and the present rent.

3889. In reference to the glebe land which you have described, are the Committee to understand that you give that account of the value of the parish of Creggan from your own knowledge?—I was present at the meeting where the composition was settled.

3890. When was that?—A long time ago.

3891. Was the 1,050*l.* composition before the 25 per cent. was knocked off?—Yes.

3892. Then the first diminution is a diminution of one-fourth, to be taken from that calculation which you have already made?—Yes.

3893. Are you quite sure that the rest of your calculation diminished one-fourth would be accurate; and do you believe that the Protestant clergyman has 1,350*l.* a year out of the parish, or one-half that amount?—Much more than half.

3894. Do you believe that, in point of fact, he gets actually one-half of the sum which was totted up for you?—I have no knowledge at all upon that subject.

3895. Mr. *O'Flaherty.*] Have you any reason to believe that this gentleman, whoever he may be, receives 750*l.* a year out of that parish?—I think he does.

3896. Did you ever hear an instance of any Protestant clergyman not receiving his income reduced by one-fourth?—I know several agents who have the management of the largest properties in that part of the country, and I know that they have complained to myself that they were applied to for the payment of the rent-charge before they had got in the rent itself.

3897. Mr.

3897. Mr. *Scully.*] How soon after the rent-charge was due were they applied to for it?—I think in the same year.

3898. Mr. *Solicitor-General for Ireland.*] In point of fact, do you state that the Protestant rector gets as much as 700 *l.* a year out of the parish?—Decidedly, and a great deal more; I am sure he does.

3899. Mr. *O'Flaherty.*] Does he get 700 *l.* a year out of the tithe rent-charge of the parish, beside the emolument from the glebe land, and the other emoluments which you stated on a former occasion?—My impression is that the tithe rent-charge is accurately paid.

3900. He also holds other property by virtue of his incumbency?—He does.

3901. What is the value of that other property which he holds by virtue of his incumbency?—I think the value of the landed property is considerably reduced.

3902. What do you suppose it to be?—The amount, I think, of the glebe attached to the residence, is 60 acres or something better, and the amount that is paid by tenants is something over 300 acres.

3903. What is the value in money of both one and the other, to the best of your judgment?—The new valuation has reduced it very much.

3904. Is it worth more than 200 *l.* a year?—I think it would be perhaps, putting one with another it would average from 12 *s.* to 15 *s.* an acre.

3905. Do you think that the whole property, including the glebe and everything, is worth 250 *l.* a year?—The rental I think was 400 *l.*

3906. Mr. *Solicitor-General for Ireland.*] You are asked what it is worth?—I cannot fix that.

3907. Mr. *O'Flaherty.*] Then you can only state that he holds 200 acres of land set to tenants, and 60 acres of glebe land?—Yes.

3908. Independent of the tithe rent-charge of 750 *l.* a year?—Yes.

3909. Mr. *Solicitor-General for Ireland.*] The gentleman who got the glebe about which you have been giving evidence, was Mr. Flavell?—Yes.

3910. He never went to reside in the parish?—No.

3911. What is the name of the parish he now has?—Loughgall.

3912. Can you state the value of the parish of Loughgall?—No; I do not know what the levy is.

3913. He never, in point of fact, went into occupation of this

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this living in your parish?—No; the house was in a dilapidated state, and there was some misunderstanding between the lady of the late rector and himself as to the state of the house, and what allowance ought to be made; the house was condemned.

3914. In point of fact, he never went into occupation or possession of that valuable living?—No; he had a curate, who was resident in the parish.

3915. Were any of his people threatened?—I never heard of it.

3916. Are you quite sure of your calculation, of there being only 500 Episcopalian Protestants in that parish?—I do not state the exact number.

3917. Do you mean to state that since the subject has been gone into, the Protestants in that large parish amount now to but 500 people?—What I stated was this, that when the Presbyterian and Episcopalian clergymen took the census in 1835, my proportion was twenty to one against the others; and I hold to that.

3918. Mr. *O'Flaherty.*] And the result of that calculation in 1835 would be, that the Episcopalians in that country would be 500?—Yes.

3919. Mr. *Solicitor-General for Ireland.*] Do you, as a matter of fact, mean to state to the Committee that there are but 500 Protestants in that parish?—I do not.

3920. Mr. *O'Flaherty.*] Did you ever so state?—What I stated was, that on taking the census the numbers stood in the relation that I mentioned.

3921. Mr. *Solicitor-General for Ireland.*] Do you mean to say so?—I do not know whether it is over or under it. I could not speak so correctly as to that, from recollection. I could not even say what the population is now, as compared with what it was then.

3922. Do you mean to say that the Protestant population of that parish is limited to 500?—I cannot from recollection give an accurate answer to that question.

3923. As a matter of fact, can you state what it is now?—I cannot; I think that the proportion of Protestants to Catholics since that time is greater than it was then; for the reason that a vast number died, a great number were ejected; and in some cases, where the poor were ejected, the farms were made larger, and Protestants got some farms in that way.

3924. The proportion altered?—Something.

3925. Is it not the fact, that the population varies in particular

ticular parishes; for example, in Castleblaney, is not the population half and half?—I do not doubt it.

3926. Do you know Dr. Griffin's parish?—No. I know that north of me the proportion is larger.

3927. Do you know Mr. Maclean's parish?—No; but I know that the proportion is greater.

3928. Who gave you the valuation which you have produced, and which you state was made by the rector's valuator?—Mr. Rowland was the person who made the valuation and furnished it to me.

3929. You were no party to that valuation?—No.

3930. It was a matter between the rector and the agent whom he employed?—Yes.

3931. Where did you get it?—Mr. Rowland showed it to me.

3932. Did you ask him for it?—I do not know whether I asked him for it, or whether he called on me and gave it to me.

3933. Did you tell him what you were going to do with it?—I did; I said that I was anxious to ascertain how the new valuation stood with the old valuation.

3934. Did you tell him you were going to bring it here to print it?—I did not. I told him I wanted the document to show the relative difference between the old valuation and the new valuation.

3935. You stated to the Committee that that valuation was a valuation made by the rector, in order to see what would be the proper rent to lay on the glebe land, and that it was made for him by the surveyor whom you named, Mr. Rowland?—I say that Mr. Rowland told me that it was a valuation made by his consent, and with the consent of the tenantry.

3936. With the consent of the new rector?—Yes.

3937. Upon his being about to come into possession?—Yes.

3938. Was not that a very proper thing to have done?—Yes.

3939. That is, to reduce the rent according to the extent and the value of the produce?—Yes.

3940. Were you a party to that valuation?—No.

3941. Did you apply to the rector for a copy of it?—No; the rector was not there at all.

3942. Who is the new rector?—Mr. Barlow.

3943. Did you tell the valuator, the man who made this valuation for a third person, and with whom you have no connexion,

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connexion, that you wished to get the valuation in order to lay it before this Committee?—I stated that to the valuator.

3944. He gave it to you?—He did.

3945. The result of your evidence upon the question of the settlement of the relation of landlord and tenant is understood to be, that if compensation were given for improvements, you think the tenants would be satisfied?—I think if the tenant got a legal security for the interest that he creates in the soil, he would be satisfied. I think I exemplified it by a man taking a farm in my own country; that he got it in a wild state; that he built a house upon it, made fences and drains, and made an expenditure upon it. He would require a legal guarantee that the efforts of his industry in this way should be his own, and that he would be continued in possession.

3946. Mr. *Hatchell.*] Does any mode occur to you by which that might be secured by a legal guarantee; do you think he should get a lease in perpetuity?—I mean that he should be continued in possession as long as he paid a fair rent.

3947. Mr. *Solicitor-General for Ireland.*] Did you not mean to say that the value of the improvements which he had made should be secured to him?—Yes.

3948. Are you yourself a member or secretary of any Tenant-right Society?—I am not secretary; I am a member of the Tenant League.

3949. Have you attended any of their meetings?—Yes.

3950. Have you seen a journal published in your country called the "Democrat"?—Yes.

3951. And have you read it?—Yes.

3952. Do you agree generally with the objects which the League have in view?—I think the principles of the Tenant League are fair.

3953. Mr. *O'Flaherty.*] You mentioned, in a former part of your evidence, that you attributed almost all the outrages in your part of Ireland to the absence of that legal guarantee?—Yes, and the absence of security.

3954. You attributed the outrages more to that cause than to the existence of Ribbon Societies?—Decidedly.

3955. You do not think the one has any connexion with the other?—I do not think the one has any connexion with the other. I have stated already that if there were not a Ribbon Society in existence, I should be very much afraid that human nature with all its vices and passions would lead to the very same outrages, as long as there is no protection for the expenditure of capital and labour.

3956. Mr.

3956. Mr. *Scully.*] You mean that there should be compensation for all the improvements the tenant makes in his holding, by his labour, by his industry, or by his capital?—Compensation may really be understood in such a variety of ways, that I could not exactly answer the question.

3957. You did not mean to infer that you would transfer the entire right to the property from the landlord to the tenant?—No.

3958. That is not the principle of the Tenant League?—No; there is no transfer of the property contemplated at all. The landlord's right to a fair rent is recognised fully, as well as his right of control over his property.

3959. Mr. *Hatchell.*] Suppose land were now let at a pound an acre, and supposing an improving tenant continued in possession of that land for 40 years, and that he laid out his capital, and was working it as a good tenant ought to do, in a husband-like way; and suppose, in the course of 10 or 15 years, the value of agricultural produce rose considerably; is it your idea that the landlord should have no further benefit out of his land beyond the rent of 1 *l.* an acre for the 40 years as it is now set?—It is not; I think the scale of prices should regulate the scale of rents.

3960. Mr. *Scully.*] That is, rents should rise according as prices rose?—Yes.

3961. Similar to what happens in England?—Yes.

3962. You do not mean to state, that a landlord should be so deprived of his property by your system, or by the system of the Tenant League, so as to deny his right to resumption of the property at any future time?—Certainly not; if the landlord fairly requires the use of his property. Circumstances may rise in which the tenant would be very unreasonable if he objected.

3963. Mr. *H. Drummond.*] In what way do you use the word "fairly"?—I would hope that the value of land would not be harder to decide than many other questions; for instance, questions of life and death.

3964. Did you ever live in England?—Never.

3965. You probably know that there are no such laws as you are alluding to in England?—I do.

3966. And yet there is no Ribbonism?—No; the circumstances of the country, in my opinion, are very different. The landlord in England leaves the farm in a tenantable order; he makes all the expenditure; it is rather a commercial matter between the landlord and the tenant; in Ireland it is very different; the land is taken by the tenant in a wild unimproved

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proved state, and the tenant makes all the expenditure; he builds the house and fences the fields, and drains them, and he is at the whole expense.

3967. Mr. *Scully.*] Is it not the practice, or it has been done lately in your district, to revalue properties by valuators?—Yes.

3968. Was not that a fair valuation in the case of clergymen?—It is a valuation which gave great satisfaction.

3969. Was not the fair rent ascertained on that occasion?—Indeed I should think so; and on other properties where valuations have been made the people are very well satisfied, and are paying the rent according to their circumstances.

3970. Is it not possible that the question of a fair rent may be solved in that way?—I think very easily.

3971. If parties wish to let land at a fair rent, it may be very easily ascertained?—Yes; by leaving it to a respectable and competent judge of land, who will act fairly between both parties, I think the value is not hard to be ascertained.

3972. Mr. *H. Drummond.*] Cannot the two parties do that of themselves without any law?—It would be very desirable if they did; but I think it will be hardly expected that they will agree upon that; I know that many other landlords in my part of the country do assent to a valuation, and are now getting on very well.

3973. There is nothing to prevent them if they chose?—No.

3974. Mr. *Scully.*] Have they done so?—They have not.

3975. Mr. *H. Drummond.*] They have it in their power to do so whenever they please?—They have the power.

3976. Lord *Naas.*] Then you do not approve of competition for land?—Competition for land, in districts where the people have no other employment, is, I think, very injurious, both to the people themselves who compete, and the landlords for whose land the competition arises, because they offer a price which it can hardly be expected they will pay, and the landlord is disappointed and they are disappointed.

3977. Do you think it is not right that the landlord should take as much as he can get for his land?—I think that auctioning land in that way is not a good plan for the landlord himself.

3978. *Chairman.*] If a landlord lets a considerable portion of land at a moderate rent, is it not liable to be sub-let?—Yes, where leases of large tracts of land have been given, that is very much the practice.

3979. Had not that property for which Mr. Mauleverer

was

was appointed receiver, become by underletting very much crowded with small occupiers?—Yes; there were three townlands of it let in the way you advert to.

3980. They were small and poor?—They were.

3981. And very much dependent on the potato?—Very much.

3982. And of course when the potato failure came, they naturally gave way?—Yes.

3983. You were aware that there had been four years' arrears of rent up to the 1st December 1849 on a lease from Mr. Maculla?—I am not aware.

3984. You were aware that Mr. Mauleverer got an abatement for the occupying tenants of four shillings in the pound from the Court of Chancery?—He did for the tenants who held under the immediate landlord.

3985. For the tenants over whom he had the immediate control, he obtained an abatement of four shillings in the pound?—He did.

3986. With regard to the others who held under Mr. Maculla, there were four years' arrears of rent due?—I do not know.

3987. Then all they could do with that part was when they got rid of the middle lease, to make the best arrangement which was possible with them?—Yes.

3988. And it was preparatory to making that new arrangement that the ejectments were served?—Yes, I think it was.

3989. And shortly after that, Mr. Mauleverer was murdered?—Yes.

3990. Do you know Mr. Quinn, parish priest of Magherafelt?—I do.

3991. Is he a respectable man?—I believe so.

3992. Are you aware of his attending a meeting, at which resolutions were passed with regard to Mr. Mauleverer?—Yes.

3993. And which spoke of the kindness and correctness of Mr. Mauleverer's conduct?—Yes.

3994. Can you state any instance on the property of Mr. Quinn, of a tenant being dispossessed and deprived of improvements without compensation for his possession, or his improvements?—There were several persons dispossessed. There was a man of the name of Peter Courtney dispossessed.

3995. Can you state any instance of any tenant who was unjustly treated, by being evicted, on the part of Mr. Quinn, without getting compensation or abatement of his rent?—Mr. Quinn

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Quinn gave them the right of selling their good-will for what they could get.

3996. Did you read a debate in the House of Commons, with reference to the statement of Mr. Magee?—I do not immediately recollect.

3997. Did you afterwards see a letter of Mr. Quinn's, which was read in the House of Commons?—I did not.

3998. You are not aware that this letter was read by myself in the House of Commons?

Dear Sir, 24, Merrion Street.

I BEG to inform you that the property which I have in the immediate neighbourhood of the scene of this outrage was purchased by my grandfather, and came to me by the will of one of his sons; and having found it in a neglected state I was anxious to improve it, as well as the condition of the people. Shortly after it came into my possession, an opportunity of doing so offered by the falling in of the lease of a middleman, who had subdivided the land amongst a great number of under tenants. A portion of this land I was anxious to keep in my own hands, and improve as a place of residence, feeling that although I should be obliged to diminish the farms of some of the occupiers in order to provide for himself, yet independent of the advantage to be derived from a resident landlord, they would be better off as persons in my employment, with a house and a small quantity of land, than to continue as I found them, a pauper tenantry. And accordingly, having pledged myself not to remove any except from one portion of the estate to another, I was about to commence some improvements under the superintendence of a very skilful and respectable man, and under whose direction a schoolhouse was in progress of erection on another portion of the estate, when he was brutally murdered. This, as you are aware, so disgusted me, that I gave up the intention of residing among such a people. The consequence has been, as I expected, that many of these persons have been unable to pay any rent, and having fallen into arrears to the extent of four or five years each, and having failed to procure competent persons willing to give them anything for their tenant-right, so called, the farms being so small, I was obliged to evict them lately, to the extent of eight families, having previously offered each a small sum on getting peaceable possession, which was refused by six out of the eight. Such has been the extent of my crimes, for which I have been dragged before the public by the coroner who held the inquest at Crossmaglen. I have to mention, that the tenants who were ejected were offered the same terms as those who had paid their rents, 15 per cent. by way of abatement on the year's rent. In short, if they had made any payment for the last two years, it is possible that I would have borne with them still longer.

I have, &c.
(signed) *R. Quinn.*

I am not aware of it.

3999. Are the statements in that letter founded in fact?—I know

I know there were higher rents, and that the ground was worse than any round about that part of the country.

4000. As far as you know, are the statements in the letter which has been read, correct?—I believe it is a correct statement of facts.

4001. In the case of Mr. Mauleverer, was there a proceeding for the purpose of having a new arrangement?—Yes.

4002. In the case of Mr. Quinn, was there a proceeding for the purpose of having a new arrangement when Mr. Powell was murdered?—Yes.

4003. In the case of the new rector, the leases of the tenants of the old rector would fall out on the coming in of the new rector?—There were no leases at all; they were tenants from year to year.

4004. When the new rector came in, a new arrangement would be made?—Yes.

4005. And he did so?—Yes.

4006. These persons, as far as they could, had tried to improve?—Yes. As regards Mr. Quinn's case, the rents were exceedingly high, and the abatement was not of such a nature as would enable the tenants to pay the rents they were paying.

4007. In the cases of these small holdings, which were occupied so numerously by persons living on the potato, do you think it possible for that state of tenancy and occupation to go on under the present system?—Indeed, I think it is very difficult.

4008. Under the present system the farms ought to be somewhat larger?—I think so.

4009. And an improved system of agriculture?—Yes.

4010. In order to meet the present times, is it not requisite that landlords and tenants should have an improved system of agriculture, more application of capital, and more skill?—Yes.

4011. Do not you think that everything which would encourage the introduction of capital, and promote the industrial knowledge of the tenants, would be of great advantage to the tenants?—I think that encouragement to persons who are in the occupation of lands to pursue a better system of cultivation, and give them better security for the expenditure of their labour and industry, and little capital, and giving them security, in point of fact, for what they do in that way, would very much improve the land in value.

4012. Would not farms require to be enlarged?—I think it is very desirable that the farms should be enlarged.

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4013. Would that require some new arrangement of the possession?—I think so; and it would be very easy to make that arrangement.

4014. Do not you think also, that the system of middlemen operates very injuriously?—Yes, very injuriously.

4015. Would you think it a better system that the respectable proprietors and decent occupiers should deal between themselves for the management and cultivation of the soil?—I do think so.

4016. Is not your parish of very large extent?—It is.

4017. Several miles?—Yes.

4018. Are the present population a good deal scattered over it?—They are a good deal scattered about, but they are chiefly in one part.

4019. Where the parish is large in point of tenantry, and they are scattered, the clergyman has much trouble; and it does not depend so much on number as on territorial extent?—Yes.

4020. Do you know how many Protestant churches there are in the parish?—Only one.

4021. Are there no chapels or places where worship is celebrated?—There is only one Protestant place of worship in the parish.

4022. How many curates?—One curate.

4023. Are the head proprietors Protestants?—Yes.

4024. Do they pay the rent-charge directly to the Protestant clergyman?—They do.

4025. So that the persons who pay him principally, are persons of his own religion?—They are; but the tenantry are principally Catholics.

4026. You have mentioned something about Mr. Chambré's case. Are you aware of any instance, in his case, of severe and unjust dealing with any of his tenantry, prior to the attack upon him?—I do not know personally of my own knowledge, but I have heard that he served a great many ejectments.

4027. Should you be surprised to hear any one of veracity state, that he had never ejected a tenant upon his property?—Yes.

4028. Mr. *Scully.*] Is there not a difference between the serving of an ejectment and the carrying out of the process?—I heard that he had ejected, and heard parties named whom he did eject.

4029. Mr. *Solicitor-General for Ireland.*] Before he was attacked?—Yes.

4030. *Chairman.*]

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4030. *Chairman.*] Would you be surprised to hear that he had never ejected a single tenant on his property; but that, on the contrary, he did spend more than one-half of his income in labour and wages among them?—I do not know.

4031. You have mentioned the case of Hughes and Woods. Are the Committee to understand you to say that you think the feeling was that both those men were innocent of the murder?—With regard to Hughes, I stated that the feeling was very general; and that in point of fact it was my own conviction, from all I had heard about the matter.

4032. Does that apply also to Woods?—Woods was a tenant.

4033. Did what you stated with regard to the impression of those convictions not being warranted by the evidence, apply as well to Woods as to Hughes?—It does not apply so well to Woods.

4034. Then there was more colour for the conviction in Woods' case than in Hughes's case?—I think so.

4035. Have instructions been given to you by the bishop, in every way to discountenance illegal societies?—Yes; very strong and peremptory instructions.

4036. Do you make any return to the bishop of the names of persons who are connected with illegal societies?—He has given us instructions to that effect, and to use all our exertions to discover them.

4037. When were those instructions first given?—I think better than a year and a half, or two years ago.

4038. You are directed in the pastoral to refuse the sacraments to persons who are connected with illegal societies?—Yes.

4039. Have you, in point of fact, ever exercised so extreme a measure?—We gave a public intimation in the chapel to that effect.

4040. Have you, in point of fact, ever refused the sacraments of the Church to any man on that account?—I would say, that I could not ascertain the fact of a man being connected with an illegal society, except in a way that I could not make use of.

4041. Then you merely gave notice of it?—I gave notice of the instructions of the bishop in reference to persons so circumstanced, and that, if any of them should be so unmindful of what they owed to religion, and of the instructions which the bishop had given, they were not subjects for sacraments. No man would come to me openly, and tell me that he was a

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party man. If he acknowledges it to me, it is in a way which I can make no use of.

4042. Is it the habit of your parishioners to come regularly, or at certain times, to the sacrament?—Yes.

4043. Then from knowing the persons in the parish, would you not be enabled, at all events, to form a pretty good guess as to the persons who did not come to receive the sacrament?—It would not be a fair inference.

4044. Did you ever, in point of fact, refuse the sacrament of the Church on account of being connected with illegal societies?—I do not think it is a fair question. A person of that description, connected with an illegal association, after the instructions which I have given publicly in this sort of way, will not come to me, and say that he is a member of such a society. If he comes in any other way, he comes to make a revelation in such a way that I cannot make use of it. Hence, the only way in which I could make a communication to the bishop on that subject, would be, that a man was so notoriously known as a person who had taken up with an association of this sort, that I felt it my duty to report him, and that he was obstinate (I am only imagining a case), and would not be guided by the directions I was bound to give him. I should feel it my duty to communicate with the bishop on that subject.

4045. Have you ever, in point of fact, refused the sacrament of the Church to any man on account of his being a member of an illegal society?—I cannot answer that question; I should have no knowledge of his being a Ribbonman except in the way that I have stated.

4046. Are you not directed by the pastoral to excommunicate him, that is, to refuse him the sacrament of the Church if he is a member of an illegal society?—Certainly, if I know him to be such.

4047. Mr. *O'Flaherty.*] Were you directed to refuse the sacrament to any person circumstanced as the Chairman has mentioned?—The instructions of the bishop are, that these men are not subjects for the sacrament.

4048. Do you carry out the instructions of that pastoral?—I do.

4049. In every way?—In every way.

4050. *Chairman.*] Does the Ribbon Society exist, notwithstanding all the efforts you have made?—There may be some members of it.

4051. Do you think it exists to any large extent?—I think not.

4052. Supposing

4052. Supposing that it does exist, or where it does exist, do you think it is the duty of the Executive Government to use all the means within their power for the purpose of putting it down?—I believe it firmly.

4053. Do you think it would be conducive to the prosperity and welfare of the country to use every constitutional means within the power of the law for the purpose of suppressing it?—I think that all secret societies are injurious to the prosperity of the country; they are great evils in themselves, and they tend very much to disturb, in fact, the peace of society.

4054. Do you think they demoralize the lower orders?—I do.

4055. Do you think they are inconsistent with the progress and prosperity of the country?—I think they are.

4056. Do you think that if the Government were enabled by the power of the law, and with such aids as you and others might give, to put down secret societies, and there was a fair arrangement between landlord and tenant, there is anything to prevent the country prospering?—I think that doing that would put the country in a fair way of being prosperous.

4057. Do you think that if there was security for life and property, and different classes of men were to try to do their duty, the country would prosper?—I do.

4058. Mr. *Scully.*] In your former examination you were asked some questions as to Ribbonmen; did you ever hear of their interfering in cases between farmers and their labourers, or farmers and their servants, or in contracts between families, or any thing of that kind?—Not as Ribbonmen.

4059. You have heard of cases of wrangles between farmers and their neighbours?—Yes.

4060. You do not believe there is any kind of interference in dealings between man and man?—No.

4061. It is merely a society against Orangeism?—Yes, I think it is more of a political than a social nature; I think the other evils are disorders growing out of the state of society, and that Ribbonism, and Orangeism, and secret societies, are rather of a political kind.

4062. Mr. *Goold.*] You stated that in your opinion the possession of land, being a life and death question, the fierce competition was the cause of exorbitant rent?—Yes.

4063. You were asked to contrast the state of England with Ireland, and you said that dealings in land were entered into in England in a mercantile spirit?—Yes.

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4064. Do you think that freedom of contract and competition are the very essence of a mercantile spirit?—In relation to the letting of land in Ireland, there is no freedom of contract, because the landlord can put what rent he pleases on the land; the tenant has no will in the matter at all; a valuation is made, and that valuation is brought in by the landlord; if the tenant does not choose to give the rent, the landlord will not continue him; so that there is no freedom in the relation between landlord and tenant. I agree that if there was freedom and the tenant had a choice, and did not like to give the high rent, the landlord would not get the exorbitant rent that he now gets.

4065. Do you say that dealings in land ought to be like dealings in mercantile matters, perfectly free and unfettered and open to competition?—Yes.

4066. And you would like to remedy the existing evils, by tampering with competition, and fixing an arbitrary value on land?—No; your question supposes that the tenant has a free will in the matter, and that the contract is freely entered into by both parties; now the tenant is not a free party in the contract at all, because the landlord fixes the price.

4067. You are understood to be of opinion that if there were other channels of industry than the possession of land, the fierce competition for land would cease?—Yes, to a considerable extent; and the rents would not be so high.

4068. You have said something as to the question of compensation, and about a tenant not being put out as long as he paid the rent; do you mean to say that that compensation may either be in money, or in increased length of tenure, or do you mean to say that the tenant should remain in possession for ever?—No, I do not say that; I said that I thought that the scale of the markets ought to be a fair rule for the scale of prices; and that a person paying a rent fairly, graduated by the scale of the market, if the landlord received his rent, a fair rent would enable the tenant to live, and guarantee to the landlord that he would get a correct payment of his rent; I do not mean to deprive the landlord of the control that he is properly entitled to over his property.

4069. Do you mean to state that no number of years' occupancy will compensate a tenant for the money which he lays out on the land?—That depends a good deal on the circumstances of the case.

4070. Is there any case where you suppose, say 20, 30, or 40 years, there should not be some limit to the benefit of the improvements?—

improvements?—In some cases that might be so, where a person improves land to a very considerable extent.

4071. Would you say that length of occupancy would compensate a tenant?—It would be very hard to determine what should be the length of occupancy.

4072. Do you admit the principle?—I have not considered that matter.

4073. Take the case of a tenant who gets a 19 years' lease, and that on the faith of that lease he expends capital in liming, reclaiming, and improving the soil. At the end of that term of 19 years, if he came to his landlord and claimed compensation, do you think it would be a fair thing for the landlord to say, "I cannot pay you in money, but I will allow you to remain in for 10 years or 20 years," as the case might be?—I think that would be a very fair regulation in a country like England, where a tenant, if he does not choose to embark his capital in land, can apply it to something else; your proposition would be fair; but I think that in Ireland at present, there being no manufactures or other modes of obtaining a subsistence different from the mere occupation of land (which is the usual occupation for obtaining a livelihood now), your proposition would not work so well.

4074. Why?—From the fact that there is scarcely any other way for poor people to earn a livelihood in Ireland, except by the cultivation of land.

4075. Do you think that emigration is at all facilitating the settlement of the question by diminishing the population?—I think it is.

4076. Now as to these cottier tenants, as they are called; do you think it would be better for them to cease to be tenants, and become labourers and paid in money wages, than to be half labourers and half tenants, as they are at present?—I think they would be better off as labourers receiving money wages.

4077. Sir *W. Somerville.*] Is there any waste land in your neighbourhood?—Very little.

4078. Are there any unoccupied farms?—Not many.

4079. Are there any?—There are some.

4080. How do you reconcile that fact with the existence of such a brisk competition for land?—They are the farms from which people have been ejected; and the rent is very high.

4081. Then the rent is so high that no one will take the farms?—No one will take the farms. There are some landlords who would rather leave land waste for a certain time, in the expectation that some one will take it, than submit to a reduc-

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tion, and there is an indisposition to take the farms, both because the rent is too high, and because the tenants who were evicted think they were entitled to some compensation before any one takes it. There is an indisposition to take land which is so circumstanced.

4082. Are there any farms lying vacant because the rent demanded is too high?—I do not know whether it is solely for that reason; but I think the circumstances of parties being ejected who get no compensation creates an unwillingness on the part of any other man to take the farm until he can get the good-will of the person who was evicted.

4083. Mr. *Fortescue.*] What would the man have compensation for?—For instance, a man, as I observed, taking a farm in an uncultivated state, and having to build a house upon it, make ditches, drains, and matters of that sort, and then after doing all these at his own expense, the landlord raises the rent to a pitch which, under the circumstances of the country, the tenant is unable to pay.

4084. Mr. *Leslie.*] Is it a general custom, in your part of the country, that the landlords raise the rent?—It is.

4085. Can you give any instance of landlords raising their rents?—It is the universal rule of the country; I recollect, some years ago, land being let at 10*s.*, 12*s.*, or 14*s.* an acre, which has been raised up to 28*s.* an acre.

4086. The question put to you was, whether you could give an instance of it?—It is the general rule.

4087. Give one instance?—I am an instance of it myself. The farm that I have I got about the year 1835; and at that time the rent of it was about 13*s.* an acre.

4088. *Chairman.*] Who is your landlord?—Mr. Ball, and he is a very good landlord. At the new letting it was raised to 28*s.*

4089. Mr. *Leslie.*] In what year was that?—I think it was in the year 1837, or 1838, or 1839, as well as I recollect.

4090. Still you found it worth holding at the higher rent?—Indeed, except as a matter of accommodation, it is not worth it.

4091. Mr. *Scully.*] Did you take the farm on lease?—Yes.

4092. At what rent?—It was leased at that time at 13*s.* or 14*s.* an acre.

4093. Mr. *Fortescue.*] At the expiration of the lease was the rent raised?—Yes.

4094. Lord *Naas.*] For what term was the lease made?—I think it was a 21 or a 31 years' lease.

4095. Mr.

4095. Mr. *Leslie.*] Is the farm near the village?—Close to the village.

4096. Sir *W. Somerville.*] Was the lease made to yourself?—No.

4097. You bought the lease?—Yes.

4098. What did you pay for the good-will?—The farm was between five and six acres, and I think I paid 50*l.* for the possession.

4099. Of course you read the lease?—I do not recollect the terms of it; I think the life of the late King was the life in the lease.

4100. Did the person who took that lease covenant, at the termination of it, to surrender peaceable possession of the farm to his landlord?—I got possession of it before the termination of the lease.

4101. Were those the terms of the lease?—I believe so.

4102. Mr. *Scully.*] Can you give the Committee any idea of the state in which the land was when the lease was originally made?—The land, I know, was very bad land, and it was very bad land when I got it; I improved it very much; and, on account of the expenditure I made upon it, it was charged higher to me than it was to any one in the neighbourhood.

4103. When you gave 50*l.* for the possession of that land, was there a house upon it?—No.

4104. Did you build a house upon it?—No; I had a house convenient to it.

4105. You made improvements upon it?—I drained it, and improved it in that way very much; I drained the greater part of it.

4106. Did you get a lease?—No.

4107. In point of fact, you hold now as a tenant from year to year?—Yes.

4108. In consequence of your improvements the rent has been raised?—Yes.

4109. And you pay a higher rent now?—There was a valuation made latterly upon it.

4110. What rent do you pay now?—I think about 17*s.* an Irish acre.

4111. That is the reduced rent?—Yes.

4112. How much rent did you pay before?—I paid 28 *s.* an acre.

4113. For how many years?—I think for 12 years.

4114. Has the same system of raising the rent been pursued by other proprietors in the country?—Yes.

4115. Mr.

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4115. Mr. *Solicitor-General for Ireland.*] In your own case there has been recently a valuation and reduction of your rent?—Yes, last year.

4116. Mr. *O'Flaherty.*] Was the lease, when you purchased it, a lease for lives and years, or a lease for lives or years?—A lease for lives and years, I believe.

4117. Then you knew what you were purchasing when you gave 50 *l.* for it?—I did not know how long the life might last.

4118. You bought it on the chance of the life?—Yes.

4119. Lord *Naas.*] You gave what it was worth at the time?—Yes.

4120. Mr. *O'Flaherty.*] You of course surrendered possession at the expiration of the term?—Yes.

4121. Having held it how many years under the old lease?—I think about three years.

4122. Do you mean to say that in three years your expenditure on that farm rendered it valuable in the ratio of from 13 *s.* to 28 *s.* an acre?—No such thing.

4123. Between the occupancy of the old tenant, and your taking possession under the purchase, there was considerable improvement made by the former tenant?—There was.

4124. Who made the improvements on the land which created such an increased rent as 28 *s.* bore to 14 *s.*?—The tenant made the improvement.

4125. Not yourself?—I purchased his interest.

4126. You found that the property was worth 50 *l.*?—It was not near worth it; but as a matter of accommodation, I gave it.

4127. You were afterwards charged the rent of 28 *s.*?—Yes.

4128. And you consented to pay that rent?—Yes.

4129. Therefore there must have been an improvement by somebody equal to the difference between 14 *s.* and 28 *s.* an acre?—The land was not near worth it. I remonstrated that the rent was too high. If I would not give it, I had no alternative but to give it up.

4130. It was of such importance to you, that you gave it, although you considered that it was much too high a rent?—Yes.

4131. Lord *Naas.*] Would any one else in your country have given 28 *s.* an acre for it?—I really do not know, but very likely they might.

4132. Mr. *Caulfield.*] Do you remember what was the date of

of the lease which you purchased?—I think it was not an old lease; I think it was a 21 years' or a 31 years' lease.

4133. You are aware that in that part of Ireland leases are generally for 31 years?—I think it was a 31 years' lease, with lives.

4134. Do you not suppose that at the time you bought the lease, according to the value of land in the country, it was worth 28 *s.* an acre?—I think it was not.

4135. You do not think other people would have given that rent for it?—People living in the village, as a matter of accommodation, might have given it; but I do not think the land, or the produce from the land, would at all pay for the labour, and enable the tenant to pay that rent.

4136. Cannot you look at it in this way: that at the time the lease was given, which had nearly expired when you purchased the farm, the land was only worth 13 *s.* or 14 *s.* an acre, and that at the expiration of the lease it was worth considerably more, and that at the time this reduction was made, the value of land had again fallen; so that the rent of the land had been continually adapted to the circumstances of the country?—My complaint of the state of things is, that the tenant has not a choice in the matter at all; that the rent is imposed by the landlord, and that the tenant must pay it or give up the land. I do not think the land was worth the rent at all, except as a matter of accommodation; it would not at all enable the tenant, by cultivating the land, to get as much out of it as would pay the rent, and at the same time pay for the labour.

4137. You have said that some farms are now lying waste in your parish, in consequence of the high rent which is demanded for them?—Yes; I have stated that parties who held the land were evicted because they could not pay the rent which was imposed on the land.

4138. Is the rent which is now demanded for those farms of the same high character that it was before?—It is very usual, when the farms are taken a second time, to give the new tenant the land at a much reduced rent from the rate which the old tenant paid; but in the case I am referring to, the lands are still not occupied.

4139. Have they been offered at a lower rent than they were formerly taken at?—I did not hear that they had been.

4140. Do you think, that if a tenant were to come forward and offer a considerably lower rent for those farms than the rent at which they were formerly let, his offer would be accepted by the landlords?—I do not at all doubt that the landlords

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lords would let them at a cheaper rate to a person who would take them; but, as I have before observed, there is rather an indisposition to take them.

4141. Is it not the fact, that solvent and well-disposed tenants refuse to take farms at a fair and moderate rent, because they are afraid of the consequences which would accrue to them from so doing?—I think, that where a tenant who is dispossessed gets no compensation for what he conceives to be his just claim, a person would be deterred from taking the farm until the person who had been evicted was compensated in some way or another, by the intimidation under which he labours.

4142. What is the nature of the intimidation under which he labours?—The nature of the intimidation is just the matter which the Committee is inquiring into.

4143. What would he fear?—He would fear that an angry feeling would be excited against them on the part of the other tenants.

4144. That there would be an ill feeling against him?—Yes.

4145. What would be the consequence of that ill-will against him?—That is a matter of conjecture; I could not exactly say; he would be afraid that some angry feeling would be excited towards himself in some sort of way, on account of coming on the ground.

4146. And that, in point of fact, it would be dangerous, either to his life or his property, that he should take the farm?—Yes, until the other man was satisfied.

4147. Mr. *Scully.*] In the case of Mr. Mauleverer's property, you have stated that a great number of ejectments were served in consequence of the middleman being turned out, and that it was necessary to serve the occupying tenants?—Yes.

4148. How many other ejectments were served besides those which were served on the property of the middleman?—I think the number was 67. There were 151 ejectments on the tenants who held under the middleman, and 67 on the tenants who held directly under the landlord.

4149. Lord *Naas.*] Are the Committee to understand from your evidence that you are of opinion, that in almost all these cases of outrage the victims have been guilty, to a certain extent, more or less, of harsh treatment towards their tenants, and those with whom they were connected?—I have already stated that the outrages have always occurred on property where the duties of property were nearly entirely neglected,

neglected, and the rights of property most rigidly enforced, and that there was no instance of an outrage occurring on property which was fairly rented and equitably managed. That is my impression.

4150. When you speak of neglect of the duties of property, are the Committee to understand that you mean harshness towards the tenants?—I mean putting rents on the lands which the tenants, in point of fact, under the altered circumstances of the country, are unable to pay, and enforcing payment of those rents in a very oppressive manner by litigation, and in every other way in which the law enables a landlord to recover his rent.

4151. Surely that is harsh treatment?—It is, I think, harsh treatment.

4152. You think then that the victims of these outrages, in most cases, did not show what you would call proper forbearance towards their tenants?—That was the impression of the tenants, and of the people.

4153. Is it your impression?—It is.

4154. Mr. *Scully.*] With respect to the Tenant League, is it your opinion that the proceedings of the Tenant League can be considered, in any way, as instigating to the commission of crimes in the north of Ireland?—On the contrary; I have already stated that I think the proceedings of the Tenant League are altogether calculated rather to preserve peace than to disturb it; holding out hopes to the people that some satisfactory arrangement will be made; and I think that, in point of fact, the impression is that the matter will not be taken up unless there is some agitation about it, and pressing the necessity of the question. The proceedings of the Tenant League give hopes to the people that a constitutional settlement of the question will be made; and I think this goes far to repress any disposition to outrage or crime.

4155. By "agitation," do you mean illegal agitation, by means of conspiracy?—Certainly not; conspiracy, and secret meetings of every description, are discountenanced and denounced, and reprobated by every member of the Tenant League.

4156. How long has the Tenant League been in operation?—I think scarcely two years.

4157. Is it not the fact, that many of those crimes and agrarian outrages in the north of Ireland occurred in years long before the Tenant League was ever heard of?—Certainly.

4158. Would not that lead you to infer that the Tenant League

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League had nothing to do, directly or indirectly, with those murders?—I think they had nothing to do with them, one way or the other.

4159. Mr. *Solicitor-General for Ireland.*] Do you mean to say that for many years past the districts of Louth, Monaghan and Armagh, about which the Committee have been now inquiring, were ever in so bad a state as they have been during the last two years?—The question would imply, as a consequence, that it is on account of the agitation of the Tenant League.

4160. Has that country, or district of country, been for many years past in so bad a condition as it has been for the last two years?—Two or three bad outrages did occur.

4161. That is not an answer; has a part of Monaghan and Louth been, for many years past, in so bad a condition as it has been within the last two years?—I think the statements are very much exaggerated.

4162. That is not an answer. Has Louth and a part of Monaghan been worse for many years, as a country, within your recollection, than it has been for the last two years?—I recollect when Louth was in a much worse situation than it is at present.

4163. The question refers to the time when the murder of M'Intaggart, Eastwood, and other crimes were committed?——There were more of those cases during the time you advert to.

4164. *Chairman.*] Have you ever seen the "Twopenny Catechism" of the Tenant League?—I have. I saw several small publications connected with the principles of the Tenant League.

4165. Do you think that since the agitation has been got up so strongly, it has contributed to promote or prevent the peace of the country?—I think it was more for the peace of the country.

4166. Mr. *Scully.*] Can you ascribe any reason for the outrages in those districts in Louth and Monaghan?—I have already stated that matter fully. I have stated that there was more oppression, more evictions, more decrees, and more legal proceedings for the recovery of rents in the counties of Louth, Monaghan, and Armagh, during the last two years, than ever there were before.

4167. Lord *Naas.*] Do you think that if the principles of the Tenant League were made the law, the effect would be to quiet the tenants?—Perhaps the whole of the principles might not be carried out; but I think that an equitable law on the relation

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relation between landlord and tenant would guarantee to both parties their respective rights, and, in point of fact, put under the protection of law rights which now have not that protection.

4168. Then you do not approve of all the principles of the Tenant League?—There may be modifications which, perhaps, would be desirable; but there is nothing in their principles, as enunciated, which would tend to disorganise society, but everything which is peaceful.

4169. Have you ever read Mr. Sharman Crawford's Bill?—I have read parts of it.

4170. Do you think that Bill embodies the principles of the Tenant League?—I believe the greater part of the principles of the Tenant League are embodied in it.

4171. Do you approve of that Bill?—I would certainly vote for it.

4172. Do you approve of it?—I do, in reference to the present state of things.

4173. Mr. *O'Flaherty.*] You think that anything would be an improvement of the present state of things?—I think so. I think that the most bungling measure would be better than the present state of things.

4174. You think that something is necessary for tranquillity?—Yes; and I think this is a most useful inquiry, with a view to legislation upon the subject.

Burton Brabazon, Esq., called in; and Examined.

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4175. Mr. *Solicitor-General for Ireland.*] WHAT is your situation in the county of Louth?—Sub-sheriff.

4176. How long have you acted as Sub-sheriff?—This is my 11th year.

4177. Are you the officer whose duty it is to prepare the jury lists?—I am.

4178. Are you well acquainted with the system of making out the jurors' books, and with the whole condition, so far as crime is concerned, and trial by jury, in the criminal and civil courts of your county?—I am.

4179. Are there any defects in the present system of making out the jurors' list and the jurors' book?—I conceive there are many defects.

4180. State, from your practice and intimate knowledge of the subject, what are those defects?—I think a great defect arises from the cess collector being limited to return on his list only persons who have a 10*l.* freehold for counties, or a 15*l.* leasehold

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15*l.* leasehold qualification, and being necessitated to omit all those who are not thus qualified.

4181. Can you practically illustrate the existing evil by giving an example?—I can. When I received the intimation that I was to come here, I applied to different cess collectors to lend me their books, and some of them furnished their books to me; but amongst them I only got one from which I could take an accurate return, as it is the only one which gives a valuation along with the cess to be paid.

4182. What barony?—Upper Dundalk.

4183. State the result?—I have calculated roughly, and I find there are 2,000 cess-payers in that barony.

4184. Out of those 2,000 cess-payers in that barony, how many are returned on the jurors' book by the present system?—One hundred and thirty-five.

4185. Only?—Only.

4186. On examining that book, how many cess-payers have you found from 10*l.* to 20*l.* a year?—Including the town of Dundalk, 270, as near as I can go over them.

4187. On what valuation?—Griffith's valuation.

4188. You say there are 270 cess-payers from 10*l.* to 20*l.* a year value?—Yes.

4189. How many have you from 20*l.* and upwards?—About 300; about 150 in the country districts, and 150 in the town of Dundalk.

4190. How many would you deduct for disqualified persons, on the score of old age?—I should say about 70; I might calculate on throwing off 100.

4191. How many would remain of persons who would be qualified to be jurors?—About 500.

4192. And you have from that barony, under the present estimate returned to you, including qualified and disqualified persons, only 135?—Yes, where I conceive there might be 500; and I have brought with me the books, in order to show the Committee how I have formed the calculation.

4193. From your intimate acquaintance with the subject, are you of opinion that the jurors ought not to be confined to persons who have only leases, such as are mentioned in the Act of Parliament?—Decidedly; and it has for a long time weighed with me. I may state here, that on the jurors' book I have only 612 names altogether for five baronies, where, according to my calculation, the barony of Upper Dundalk should give 500 names.

4194. Does that constitute the entire county?—Six hundred and twelve constitutes the entire county.

4195. Then

4195. Then you have but 612 jurors for the whole county?—For the whole county of Louth.

4196. Under the improved system of disregarding tenure or title, and having regard to valuation and occupation, how many jurors do you calculate you would have?—I could not say for the whole county; but I should say for the one barony 500.

4197. Nearly as many as you have under the present system for the whole county?—Yes.

4198. You would have 300 over 20*l.* a year?—Yes; and I do not think that in the country districts the valuation ought to be under 20*l.* for a reason which I will state hereafter.

4199. Would you approve and recommend such an alteration of the law as would include this larger number of properly qualified persons to be jurors?—Decidedly.

4200. Do you find, under the present system, a difficulty in getting a sufficient number of jurors?—I find very great difficulty. It harasses jurors very much, bringing in the same number of persons constantly to attend sessions and assizes.

4201. Are you, in consequence of the limited number of jurors on the jurors' book, obliged to summon the same jurors frequently at every assize?—Yes.

4202. And that is a great hardship upon the jurors?—A very great hardship; and when there is much business, or illness, or anything pressing, it is attended with great inconvenience to jurors.

4203. Do you believe that of persons rated over 20*l.* in the country parts of the county, you could have a large and sufficient number of jurors to attend and discharge the business of the county?—I do; and I would say even at a higher rate of valuation than 20*l.*

4204. Perhaps 30*l.*?—£. 30; and for this reason, that I look upon it that to a man whose holding is valued at only 20*l.*, it might be attended with great pecuniary inconvenience to come to the assizes; in point of fact, if a man whose holding is valued at 20*l.* has to come 10 miles, it will cost him 1*l.* or 30*s.* to attend the assizes. In Ireland that is a serious consideration with small farmers. Many of them told me they were not able to attend, and that if I forced them to do so, they would have to walk.

4205. What would be the case of persons valued at a higher valuation?—They would be better able to afford to attend.

4206. What is the practical mode which you would take to remedy the defects you have so clearly described?—I would

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say, that either the cess collectors or the poor-rate collectors should return a list of persons, above whatever qualification should be fixed (say 20*l.* a year, or 30*l.* a year), to the clerk of the peace; that list should be returned on oath by them; I think that is essentially requisite. Judge Perrin, at one time, directed that the salary of a cess-collector should be stopped, from my representing to him that persons whom I knew had leases of 100 acres of ground, were not on the jurors' list. Therefore, I think the cess-collector, or whoever returned the list, should do it on oath, so that no one should be left off through favour.

4207. Would you apply that equally to the clerks of poor-law unions?—I would; and it is very easy to do it.

4208. To whom would you require him to return the list?—The clerk of the peace. It should be a list of all those valued at 20*l.* or 30*l.* a year in counties; and I would say at a less valuation in the town of Dundalk, because I find that people living in houses, valued in the town of Dundalk for 10*l.*, are very competent to do the general business; I do not mean to say murder cases, or anything of that kind, but the general business of the sessions and the county.

4209. And out of that list of persons so returned, you would form the jurors' book?—Yes, they would bring it into the office of the clerk of the peace; he would have it written out and given to the sheriff, and from that the sheriff could not deviate.

4210. Do you think that a change in the existing mode of composing the jurors' book is essential to the administration of justice?—Indeed I think it is.

4211. You have been present at many of the criminal trials during the last few years in Dundalk?—I have.

4212. Are you the man who has returned the jurors who have tried the cases?—Yes.

4213. In point of fact, if anybody knows the state of the jurors' qualifications, and their feelings and disposition, it is yourself?—I ought to know it very well, for I have taken a great deal of pains with it.

4214. Have you observed any difference, according to your judgment, in the feeling of jurors upon the trial of these agrarian murder cases, commonly called Ribbon murder cases, and the feeling which would appear to operate on their minds in ordinary cases?—Yes; in the first instance, they have a great objection to being on the jury at all, and I have known them make use of ridiculous pretences to have themselves excused from being on the jury.

4215. To what would you ascribe that conduct on their part?—To a fear that if they are on the jury, and the prisoner is convicted, their lives will be in danger.

4216. Do you believe that fear to be well or ill founded?—Well founded; and I have not a doubt of it, because if a man in anything like a remote district at all, is on a jury which convicts a prisoner, his life is not safe.

4217. You mean of this kind of crime?—Yes.

4218. You do not mean of an ordinary offence?—No.

4219. Is that statement of yours made from your knowledge of the county, and from what you have seen and known of the conduct of jurors?—It is.

4220. And from what you have heard them say?—It is; and the pretences that they make use of to have themselves excused; for instance, it is a common thing to say that they have formed an opinion already on the case, and that is a ground of challenge.

4221. Is that done by them in order to escape sitting on juries?—It is; I have been told by jurors that they have said that in order to escape being on a jury.

4222. In your opinion, is that an evil which is incident to the trying of cases of this description in the county or district where the crime has been perpetrated?—Yes, it extends through the whole county; because I think if a juror is out of the district he will be equally intimidated.

4223. That is in the county?—Yes.

4224. Do you ascribe that to any particular confederation or association of persons?—Certainly.

4225. What association?—I think that what we call the Ribbon Society is at the bottom of it all.

4226. Are you of opinion that giving the power of trying a case of this kind in an adjoining county would be of service in the administration of justice?—I think it is the only proper remedy with the present jury system of 12 men agreeing to a verdict. From what I have seen of trials, men whom I have seen on a jury whom I thought could not be influenced by fear, I have afterwards known to have been so influenced. I think that, no matter how respectable you make a jury, if you try the case in a disturbed county, the jury will be under a fear in finding a proper verdict; I think it must be removed out of the county; such a case as that of M'Intaggart.

4227. Explain what you mean by saying such a case as that of M'Intaggart?—Yes; that was a murder case, where there were men on the jury whom I was convinced would

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not hesitate to find a verdict according to their consciences; and I was afterwards told they dared not find a verdict.

4228. In that class of cases, in order to the administration of justice, you are of opinion that the trial should be conducted in some other county?—I think it would be a charitable act to the jurors themselves to do so, because I know what the feeling is where they are summoned in those cases, and the intimidation that is used. If I am at liberty to state what I have heard, I remember in that case of M'Intaggart, that between the two trials there were persons actually sent round to intimidate the jurors; and there was a paper published arguing upon the evidence that was produced, and to show that the jury could not find a verdict; and I understand that the jurors were actually visited and cautioned against finding a verdict at the next trial.

4229. That is, that there having been a disagreement on the first trial, and there having been an adjourned assize before the next trial, the jurors in the county were so intimidated?—So I understand.

4230. Was the man acquitted at the next trial?—He was.

4231. Were you present?—Yes.

4232. You saw the feeling of the people in court?—Yes, and afterwards through the town.

4233. In that class of cases is it your opinion, from what you have stated, that it would be necessary to the administration of justice to try them in another county?—I think so.

4234. Did you know Mr. Eastwood?—I know him very well.

4235. He is still alive?—Yes; I had two letters from him last week.

4236. You know him?—Yes.

4237. How many years have you known him?—I have known him ever since I became acquainted with the county.

4238. Does he reside near Dundalk?—He does.

4239. Was he in the habit of walking in and out of town?—Yes.

4240. What sort of person is he?—A very inoffensive man.

4241. Do you recollect the murderous attack on Mr. Eastwood?—I recollect hearing of it. It was on the 24th December, I think.

4242. Had you, in your capacity of sheriff, put that gentleman into possession any time before of a public-house on a part of his estate?—I had; I had the process to execute in the month of November previously; I think about the 24th November;

November; I gave him possession of the public-house in person. It was an ejectment on title; and he assigned as a reason for taking possession, that the man sold spirits, and that he would not have spirits sold on his property.

4243. That he would not have a public-house there?—Yes.

4244. Did he tell the man so?—Yes. He gave him a little time to take away the spirits, the man undertaking that he would not in the meantime sell spirits. It was close to Mr. Eastwood's house.

4245. There was no violence?—None at all; quiet possession was given.

4246. Was it after that transaction that Mr. Eastwood was nearly murdered?—Yes; it was that day month; and it was near that place too.

4247. Have you any other suggestion with reference to the jury system, which you desire to make to the Committee?—I do not know that I have.

4248. Mr. *Keogh.*] You say you are in favour of the power of changing the venue?—Yes.

4249. Do not you think the result would be, if an order of that kind were made, very much to prejudice a man on his trial?—I do not know that it would.

4250. Do not you think that having an application to the court to transfer a man from the county of Down, for instance, to the county of Dublin to be tried, would in fact, in some degree, be prejudging the case; and that the jurors who went to the trial would hear the evidence with a strong prejudice against the prisoner?—I cannot say what their feelings would be. If it once became the custom of the country, I do not think that would happen.

4251. Mr. *Solicitor-General for Ireland.*] In your capacity of sheriff, are you aware that there has been within the last two years any great distinction with reference to ejectments, or have any particular cases come under your knowledge?—Not any.

4252. Mr. *Fortescue.*] Has the number of ejectments decreased?—There were I believe last year a few more from the superior courts, but not so many from the sessions; those that were from the superior courts, I had no trouble in executing; wherever I apprehend violence I go myself; and the police attend.

4253. Mr. *Solicitor-General for Ireland.*] Have there been more instances of that kind where you have attended in person, within the last two years?—No; not so many.

 4254. *Chairman.*]

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4254. *Chairman.*] In the county of Louth?—In the county of Louth.

4255. Mr. *Fortescue.*] Has there been no increase of ejectments within the last two years, in any part of the county?—I think there is a decrease at the sessions; I am only speaking of decrees; that is, the ultimate process.

4256. Mr. *Scully.*] You are only acquainted with them when they come to be actually executed?—Yes.

4257. You do not know how many ejectments were brought?—No.

4258. *Chairman.*] Have there been many instances, within the last few years, of persons accused of this description of crime, who have not been convicted in the county of Louth?—Yes; there has not been a capital conviction since I became sheriff of Louth; and that is now 11 years.

4259. Have there not been several trials for murder?—Yes, several.

4260. And also cases in which bills have been found, but the parties not further prosecuted?—Yes.

4261. And some cases where the prisoners were let out and went off?—Certainly.

4262. Lord *Naas.*] Were you present at M'Intaggart's trials?—I was at the two trials for his murder.

4263. Was there any display of popular feeling when the verdict was announced?—There was very great cheering when the verdict of acquittal was pronounced after the second trial.

4264. In the court?—Yes, and all round the town; they chaired the prisoner round the town; so much so, that the judge told me to leave a guard on his lodgings for some time, until the popular feeling had subsided.

4265. Sir *W. Somerville.*] Have you ever known any instance of a juror having suffered personal violence for the due performance of his duty?—There never has been a verdict of conviction, that I recollect, in the county of Louth; so that there could not be any infliction upon a juror for doing his duty.

4266. Mr. *Hatchell.*] Have you ever known any of them eulogised for returning a verdict of acquittal?—Indeed I have.

4267. Mr. *Keogh.*] Have you heard any other reason assigned for jurors not finding prisoners guilty; for instance, have you heard it stated that the prosecutions were not properly conducted?—I have heard some such statement.

4268. Having attended prosecutions, have you yourself observed that prosecutions have been badly conducted?—No; I cannot say that I have.

4269. In

4269. In prosecutions occurring at the ordinary assizes, was it your opinion that the Crown was as well represented by the Crown prosecutor on the circuit, as the prisoners were in the habit of being represented?—I think the Crown was always very well represented.

4270. Mr. *Goold.*] Do you attend assizes in any other part of Ireland?—I did attend the whole of the north-east circuit, except one county of it, for some years previous to becoming sheriff.

4271. Do you attend any other circuit?—No.

4272. Then you cannot make any comparison?—No, I cannot.

4273. Mr. *Hatchell.*] Does not your experience tell you, that counsel for a prisoner has much greater latitude in dealing with a case, on the part of the accused man, than the counsel for the prosecution has, in energy and excitement?—Indeed he has; there is greater latitude given to questions for the prisoner than for the Crown.

4274. Lord *Naas.*] It is not your opinion then that the Crown prosecutions failed in consequence of the incompetency of the lawyers who were employed?—I do not think so. I do not mean to say that there was as much eloquence on the part of the Crown as on the part of the prisoner. I think the evidence was all very well elicited.

4275. Mr. *O'Flaherty.*] With reference to the formation of the jury lists, how would the sheriff form his list after receiving the list of jurors from the clerk of the peace?—Just as he does at present. We are given a book written out alphabetically, and we select our panels.

4276. How do you select them?—The grand jury engrosses the first part, then the record jury, and then the crown jury.

4277. In the improved system which is now proposed, would you continue the same system of selection which you have now mentioned?—I would.

4278. Then you would leave it to the sheriff still to select?—It must be so. I believe it has been the practice from time immemorial to do it.

4279. Would you have one jury to try all cases?—Indeed I think it would be very desirable.

4280. Then you would have the same panel for the crown court as you would have for the record court?—I think it would be desirable. As sheriff I should like it.

4281. State the result of your experience?—I never had any experience of that.

4282. From the experience you have had of the jury list,

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you think it would be an improvement?—Yes; there is one objection only with which it might be attended, namely, the inconvenience of the jury going from one court to the other.

4283. Would you not think it a better plan if the panel, as constituted and received by the clerk of the peace, was put into the sheriff's hands without allowing the sheriff any power over that panel?—No; I should not think so at all.

4284. Then is it from the former constitution of jurors, and the effectual constitution of them by the sheriff, that you would advise the continuance of the system?—No; you have asked me two different questions; you say the list should be put by the clerk of the peace into the sheriff's hands.

4285. He receives all the lists, as the medium of communication, from the poor-law unions; he makes one book of them when he receives them, and hands them to the sheriff as the jurors' book?—As I understand it, you would say that the sheriff must give the whole of that list.

4286. You would still leave the selection to the sheriff?—Yes; but let him be bound by one list for both courts.

4287. But you would give him the power to select that one list from the jurors' book?—Yes; and also let the sheriff see to the respectability of them.

4288. You would leave the selection in the hands of the sheriff?—Yes.

4289. You have complained of the absence of jurors at assizes and sessions, from the fact of their poverty and other reasons; have you ever known that a sheriff himself has been induced to omit the names of certain parties from his list?—I have often omitted the names of persons myself, whom I knew had reasons for not attending the assizes.

4290. Have you ever known that they have been omitted from gratuities given to the sheriff?—I never received any thing as a gratuity.

4291. Have you ever heard of its being done?—I have not; but I have heard of its being given to the sheriff's summoner.

4292. You have heard it of the bailiff of the sheriff?——Yes; and for that reason I never give a blank summons, but fill up the summons myself; and every summons which is not served must be given back to me, with whatever reason there is for not serving it.

4293. How many jurors would you think necessary to attend the assizes under the new system of the one panel answering for both courts?—I would say 200; at present there are about 150.

4294. Supposing

4294. Supposing you have 1,000 jurors in the county, would you think it an advisable plan to summon the first 200 on the list without giving the sheriff the power of selection?—Do you mean always to summon them?

4295. No, consecutively?—That would depend upon how you make out the book; as it is at present, although it is alphabetical to a certain degree, all the respectable persons are put first. Supposing it is A B.; there may be two or three of a thousand a-year, and then others of something less. It does not become regularly alphabetical until you get through all the respectable people.

4296. *Chairman.*] If they were alphabetically arranged, and the sheriff were obliged to take them in fair rotation, are you aware that a juror upon serving would get a certificate of having served?—I am aware that they do in England, but it is not so in my country.

4297. Supposing they were arranged alphabetically on the list, and that the sheriff then were obliged to go fairly over the county to take them by fair rotation, do you think that would make it a fair and impartial panel?—I do not think it would, if he was bound to copy the list correctly.

4298. Mr. *O'Flaherty.*] Suppose you begin at letter A; you go through letters A. B. C. until you find 200; and that is your panel for the assizes; then you begin at letter D. for the sessions next, excluding, of course, magistrates and others that may be connected with the indictment?—Yes; but you may include a good many men who are not fit to attend, although having a high qualification.

4299. Why do you presume that a man would be unfit to attend if he has a qualification?—From serving the office of sheriff, I know that many men hardly know their right hand from their left, who hold fifty acres of land, and that they cannot even write their names.

4300. That is a disqualification?—If you saw my jury book, you would find that of 200 men in a barony there would be 50 who could not write their names.

4301. Do you mean to say that in the metropolitan county of Louth such a state of things exists?—I do. There is in my book my kitchen maid's father, who cannot write his name.

4302. Mr. *Scully.*] Has he 10*l.* a year?—Yes.

4303. Mr. *O'Flaherty.*] Do you think that the proposed system of taking the rating over 20*l.* would remedy the defect you have mentioned?—I do not think it would.

4304. As the people become more educated, supposing the jury list to be constituted on some satisfactory mode, do you think

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think it would obviate the necessity for changing the venue?—I do not think it would when a county is in a very disturbed state; I have thought so for a long time.

4305. You think that in no case could juries be intrusted with the trial of a prisoner in a county in which the crime is committed?—In disturbed districts I mean.

4306. Mr. *Goold.*] You have stated that in your opinion the question of tenure and title ought to be disregarded in forming the jurors' list, and that valuation should be the principle on which it was formed?—Yes.

4307. If you threw overboard tenure and title, instead of adding valuation to it, would it not leave out a great number of useful men from the jurors' lists?—Not one, because a man may have both title and valuation, but now he has the title without the valuation.

4308. You propose to substitute valuation, and to disregard tenure and title altogether?—Yes, the cess-collector has no way of knowing the man's title; if he says he has no lease, he is let off the jury-list.

4309. Do not you think that proprietors' eldest sons, who would not appear rated as occupiers, might be proper persons to serve as jurors?—I think it would be very desirable to have them on. There is another objection; that is, that you often find a widow-woman in possession of land; she is the person who is rated, and her eldest son is the manager; they are a class of persons who might properly be on the list. I have had that before my mind for some time.

4310. Would you propose to meet that so as to have not only valuation, but also a peculiar class of persons who are very competent, and yet whose names do not appear rated as occupiers?—I would give the sheriff the power of summoning any person whom he thought was fit to be a juror, but I am afraid it would not do.

4311. Mr. *Scully.*] Would not the electors' list show the persons who had property as well as the rated occupiers?—I do not think it would.

4312. Are you not aware that the list of electors, as it is now constituted, is a combination of two returns, namely, one from the clerks of the poor-law unions, and the other from those who claim to be registered through the office of the clerk of the peace?—Yes.

4313. That list combines those who are rated at 12 *l.* and upwards, and other parties who are entitled in fee or in tail?—Yes.

4314. Would

4314. Would you not have the means of ascertaining from that list, through the office of the clerk of the peace, the names of all those who would be qualified to serve as jurors?—Yes; but the list must come from the cess-collector.

4315. Sir *W. Somerville.*] A 50 *l.* freeholder, not resident in the county, would be on the electors' list?—Yes.

4316. Is it your plan that no one should be called as a juror, who does not reside in the county?—Certainly.

4317. Mr. *Hatchell.*] Does it appear to you, that if the jurors' list was framed out of the materials you first suggested, namely, the list made up by the clerks of the poor-law union, there would be satisfactory and sufficient materials for forming a jury?—I think there would.

4318. Mr. *O'Flaherty.*] Supposing the jury lists to be formed, would you allow in the Crown court the same privilege which exists in the civil court, that is, drawing from that list from the box by ballot?—I think it would be a very good thing to try every case by ballot.

4319. Mr. *Scully.*] Would it not remove a great deal of the prejudice which exists in some cases, that jurors are not fairly chosen?—I think it would. I endeavoured to remedy that myself, by putting the panel alphabetically, but it was objected to on the trial of M'Intaggart.

4320. Would not that prevent any accusation being made of partiality on the part of the sheriff?—I think it would.

4321. Mr. *Hatchell.*] You know that a prisoner when he comes to challenge the jury, the jury list is called, and those who answer are marked, and it is from that panel from which the parties have answered that the jury is to be taken?—It is.

4322. When the prisoner comes to choose his jury, if the ballot was acted upon, he should make up his mind without knowing the persons who were to be called afterwards, whether he would challenge a particular individual or not; but in general the prisoner and his attorney act in their challenging, by comparing the good, bad, and indifferent, as they stand, and, therefore, if the prisoner was put to his election to challenge the men who were first drawn by ballot, he would lose the benefit of that general consideration of the panel?—Yes, he would.

4323. Mr. *Fortescue.*] On this plan, would there be any necessity for making use of the collector's services at all?—You might either take the collector of the poor-rate, or the collector of the county cess.

4324. Would not the clerks of the unions extract all names above

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above 20 *l.* a year on the rate-book?—I suppose they would have the power of doing it.

4325. That duty might be imposed upon them?—Certainly.

4326. Without the services of the cess-collectors?—Yes; and it would be very desirable, because the cess-collectors change so frequently that they are ignorant of what they have to do.

4327. You would rather depend on the rate-book than on the individual cess-collector?—Yes. Another objection to the cess-collectors is, that they employ several people under them to collect their cess, and the list becomes very imperfect.

4328. Mr. *Scully.*] After the challenge has taken place, might not the jury be chosen by ballot?—Yes.

4329. Mr. *Goold.*] With regard to changing the venue, have you any apprehension that you might inoculate a new county, by changing the venue from an infected county?—Not the least.

4330. With a confederation so ramified as Ribbonism is stated to be, do not you think they would manage to get into the county where the trial was to take place?—They could not possibly do it in the short time that would elapse. If you sent a case from Louth to Down, or to Antrim, or any of those large places, they would not have time to do it.

4331. Do you think that if a man were convicted, after being tried out of his own county, the impression among the people would be that he had had a fair trial?—I think it would. I do not think they would look upon it as a fair or an unfair trial. A favourable trial is what they look to now. In fact, I think a great deal of the crime is committed on the calculation that there cannot be a conviction.

4332. You have attended a good many criminal trials?—I have.

4333. Is an *alibi* a common defence?—It is the universal defence.

4334. Do not you think it is easier for the Crown to go into a rebutting case to an *alibi* in the county where the crime is committed?—I do not think it is.

4335. Why not?—They will have all the witnesses.

4336. The prisoner produces a witness from a distant county to prove an *alibi*; if that witness had been produced in the county where the crime was committed, and where the witness was known, could not the Crown, during the course of the trial, send out and produce evidence to rebut his testimony?

mony?—That would depend on the distance. If the trial was 20 miles from the place where the murder was committed, how could they do it?

4337. Have you not heard of such things being done?—I have.

4338. Would not that act against the Crown in the case of a trial in a distant county?—They would be the best judges of that. In general they have the police officers who are connected with the district with them; they bring them with the witnesses and the prisoner to the county where the trial takes place; and they would be the best persons to give the requisite information.

4339. Mr. *Keogh.*] How would the prisoner have the power of getting his witnesses?—He would have the power of summoning them, and the Crown should pay their expenses.

4340. Would not that give the Crown an undue advantage, from knowing who his witnesses were to be, before the case came on?—The Crown would not have more advantage than the prisoner would have, because he knows the Crown's witnesses.

4341. Does not the Crown produce any witnesses except those who have sworn the informations?—Whenever they do, there is always great outcry made.

4342. Do not you think it would be a great advantage that the Crown should know who were the prisoner's witnesses before the trial?—I do not see that they should even know that.

4343. Supposing there was a discretionary power given to apply to the Court of Queen's Bench for an allowance of the expenses of the witnesses for the prisoner, in making that application must not the prisoner specify the details in order to enable the Court to fix the amount of expenses?—I do not think he should. You walk into the Crown Office; you get a summons in which you may put four names; you summon them; the attorney can make an affidavit that he requires to produce 20 witnesses, and that it will cost him so much.

4344. Do you think the Court, in exercising that discretionary power, would give him as much money as he asked for?—I think it would give him as much as if he had named the witnesses.

4345. Mr. *Hatchell.*] Or the attorney bringing the witnesses might advance the money on the faith of being afterwards repaid by the Crown?—Yes.

4346. Mr. *Goold.*] Do you think if the jurors did their duty without intimidation, and convictions were obtained in the county, it would have more effect than convictions obtained by a change of venue?—I think it would.

Martis, 11° *die Maii*, 1852.

MEMBERS PRESENT.

Mr. Bright.	Mr. Hatchell.
Mr. Goold.	Mr. Fortescue.
Mr. Caulfield.	Mr. Keogh.
Mr. Scully.	Mr. Leslie.
Lord Naas.	Mr. O'Flaherty.
Mr. H. Drummond.	Sir J. Young.
Mr. Solicitor-General for Ireland.	

THE ATTORNEY-GENERAL FOR IRELAND, IN THE CHAIR.

William Kirk, Esq., called in; and Examined.

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4347. Mr. *Bright.*] WILL you tell the Committee what is your occupation and position in life, and where you reside and carry on business?—I reside at Annvale, near Keady, in the county of Armagh, in Ireland; I am a linen merchant and bleacher, and a magistrate of the county.

4348. Are you a manufacturer, or only a bleacher?—I am a manufacturer indirectly; my sons have large spinning-mills, and they manufacture for me; I am interested in the profit of that manufacture.

4349. Are you a native of that part of the country, and have you carried on business there a long time?—I am a native of the county of Antrim, and have lived in the county of Armagh since the year 1815 (that is, 37 years); and I have lived at my present residence since the year 1823.

4350. Have you, during the whole of that period, that is, from 1823, been carrying on this business at that place?—Yes.

4351. Taking your own business and your son's business as being partly one concern, do you employ a large number of persons?—I do, directly and indirectly, employ a very large number.

4352. Amounting to 2,000 or 3,000 persons probably?—I should say so.

4353. Are many of those persons engaged in the mills, and others of them weaving at their own houses, their families being occupiers of small farms in the district?—Our employment

ployment may be thus classed. We employ a certain number of hands in the mills; we employ a certain number of persons who have small farms to cart for us; we have a large number employed in the making of turf for fuel; we crop 30 acres of bog every year, and the small farmers are engaged in carting that home to our place; and again, we employ a number of small farmers as carriers, to carry our goods from the markets, and out to the seaport.

4354. With regard to the weaving?—The weaving is done in the houses of the peasantry, and it is distributed over a very considerable district of country, both in the county of Armagh and in the county of Monaghan.

4355. When you speak of peasantry, you mean not merely farm labourers, but occupiers of land?—Yes, small farmers. I mean those who occupy small portions of land, and those who do not.

4356. Then probably the Committee may take for granted that you have had an extensive and long-continued acquaintance with the population of that district in all classes and ranks?—Yes, I have had a very extensive acquaintance with it. There is another peculiar point connected with my trade, and that is, that I buy a great deal of linen personally myself from the small farmers who manufacture it, either directly in their own houses, or employ others to weave it.

4357. And that brings you in contact with them?—Yes, weekly.

4358. You are aware that this Committee has been appointed to inquire partly into the supposed failure of the law for the preservation of the peace in your district, and into the immediate cause of those deplorable outrages that have occurred?—Yes.

4359. Has your attention been called much to those outrages, and to the cause of the prevailing discontent?—Yes; there is not very much outrage, or scarcely any, in my immediate neighbourhood, and within the district for which I act as magistrate. There is an occasional outburst, and two persons have lost their lives, but not from causes connected with agrarian outrages.

4360. Lord *Naas*.] Who were the two persons you allude to?—One person was the bailiff, who was killed in Keady, and another arose from a party quarrel.

4361. What was the bailiff's name?—M'Court was the person who lost his life in the party quarrel; the bailiff's name I shall be able to recollect immediately; James M'Gavity.

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4362. Mr. *Bright.*] Will you state to the Committee what, in your opinion, are the main sources of these outrages, and of this discontent?—The first and great source is disputes arising from the relations between landlord and tenant. The second source arises from the execution of civil bill decrees made by the assistant barrister.

4363. Do you refer generally to questions of debt?—Yes.

4364. And chiefly to questions of debt between landlord and tenant, or between other persons?—I should say principally between other persons, but occasionally between landlord and tenant.

4365. What other cause would you refer these outrages to?—The third cause is party spirit, arising from differences of religious opinion.

4366. Confining yourself at present to the first question, between landlord and tenant, is it a new thing in your district that that discontent should exist, and that outrages should occasionally take place?—There has been discontent ever since I can recollect, but latterly, since the failure of the potato crop, that discontent has been much more general, and much more aggravated; and I should also add, from the change in the law, at least the people conceive it to be so.

4367. By the "change in the law," do you refer to the law of 1846, under which they suppose that the value of agricultural produce has been diminished?—Yes.

4368. Is it not a matter of history, that now for a long time there have been occasionally petty insurrections in the North of Ireland, on account of various matters which have caused discontent amongst the tenantry?—Yes.

4369. Going back further than your own memory will carry you, have there not been disturbances by men called "Hearts of Oak" and "Hearts of Steel," who have ranged themselves under various titles of that nature?—Yes; "Hearts of Oak" in the county of Armagh, in 1763. The "Hearts of Oak" were dissatisfied with the then Road Act. The then Road Act was, that each person who had a horse and car was obliged to work on the road six days; and those who had no horse gave six days' labour. They became dissatisfied; and the consequence was, that they entered into a combination to resist it, and being successful in resisting in the first instance, it grew into a system of reform. They attempted to regulate rents and tithes, and the value of turf bogs, and so forth, and they were at length put down. But the law was changed very nearly to its present form. Another and a still more important combination, and much like the present, arose in 1773.

1773. It was in consequence of a large proprietor in the county of Antrim, who was then an absentee, desiring his agent, when the estate became out of lease, to give it to those who could pay, not only the arrear of rent, but a fine. The old tenants could not pay the fine, and they were consequently ejected.

4370. Lord *Naas.*] What was the name of the proprietor?—An ancestor of the present Marquis of Donegal.

4371. Mr. *Solicitor-General for Ireland.*] When was this?—In 1773. The combination was so like the present, that it is perhaps worth noticing.

4372. In what county was that?—The county of Antrim. These persons formed themselves into a combination called "Hearts of Steel." They committed a great variety of excesses; they maimed cattle, and committed many atrocities; and a number of them were tried at Carrickfergus. It is a remarkable fact that, so far as I know, there was no conviction. The Government of the day sought a change in the law, and changed the venue to Dublin, and, so far as I know, there was no conviction there; showing a state of things exceedingly like the present state of things. Whether this want of conviction arose from sympathy with the people, or from a reign of terror as now, I really cannot tell; but it was so like the present state of things, that I think it is worth drawing the attention of the Committee to it.

4373. In reference to Antrim, you will admit that all trace of this sort has long since vanished?—Yes; I mean to say that it was then put down.

4374. And that few parts of England are more happily circumstanced than parts of Antrim?—I merely convey this as an historical fact.

4375. Mr. *Bright.*] More recently, about 1788 or 1790, was there not a party called Whiteboys?—Yes; it was a party for resisting the payment of tithes. It began in the South, and it extended to the North; and it continued in one shape or other till the question of tithes was settled by Mr. Goulburn's Act, making it a rent-charge.

4376. With regard to the tithe war, was not the principle of passive resistance very much used?—Very much towards the conclusion of it, which was understood to mean that anything seized for tithes would not be bought.

4377. In the North of Ireland, has there not been some other organization which has been formed on the pretence of maintaining the law and maintaining order?—There is the Orange Association.

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4378. Did that association take its rise a little before the commencement of this century?—I think about the beginning of this century; and it originated in the county Armagh.

4379. Coming down nearer to our own time, do you know anything of an association, which is said to exist among the peasantry, called the Ribbon Society?—I merely know that a person told me he was a Ribbonman; and he told me that while there was an Orange lodge there would be a Ribbon lodge, understanding each as antagonistic to the other. I do not know it of my own knowledge. I have seen the Orangemen walking; I never saw any Ribbonmen walking; but a man told me that he was a Ribbonman, and that while there was one there would be the other, and that each was antagonistic to the other.

4380. Judging from general notoriety, is it your opinion that the Ribbon Society is an hostile society for the purpose of meeting or opposing the Orange body?—I should say that it was so then. I speak now of a period of 20 years ago, before the passing of the Processions Act. I think the Ribbon Society, which obtained twenty years ago, and what is now called Ribbonism, are two essentially different things.

4381. What is the difference between the Ribbon system of 20 years ago and the Ribbon system as it now exists?—I think the Ribbon system, 20 years ago, had merely its origin and aim in opposition to the Orange system. What is called the present Ribbon system, is for the purpose of redressing the grievances under which the small farmers conceive they labour; in fact, to make themselves right with their landlords, or to put themselves more on a level with their landlords than they are at present.

4382. To remedy what they conceive to be the inequalities of the law?—Yes.

4383. Lord *Naas*.] Do you think that Ribbonism has lost the antagonistic character to Orangeism which it assumed 20 years ago?—I do not know that I could go so far as that. The reason is this; that the parties in the present case, although they are very much opposed to the present state of the law, as regards the letting of land and the process of eviction, have also leavened, to a great extent, a portion of the Protestant population, the Orange system being Protestant, and the Ribbon system being Catholic; the one has leavened the other, because all participate in the feeling of a necessity of a change in the law. I believe the feeling to be universal.

4384. Mr. *Bright*.] Do you mean to say that the Orange system

system has at all leavened the Catholics, or merely that the Ribbon system has leavened the Protestants?—I do not mean to say that the former Ribbon system has leavened the Protestants at all; but I mean that the desire to have the question between landlord and tenant satisfactorily adjusted, has leavened the whole population. They all desire it, so far as I know.

4385. If a change has taken place in the Ribbon system, and it does not now so much counteract or oppose the Orange system, may it not arise from the fact, that of late years the Orange system has been less active, and less requiring, in their opinion, any counteracting force?—I think that both the one and the other would have been extinct by this time, that is, the old Orange system; and the old Ribbon system would have been extinct by this time, had it not been for the unfortunate neglect of allowing the Processions Act to expire. The word "extinct," perhaps, is too strong a word; and I should probably say they would not have been in active operation.

4386. Still, with regard to what you now observe in the operations of the Ribbon Society as connected with the land question, do you conceive that that question would have been allowed to sleep, even although the Processions Act had been in force?—No, I think not. I think the land question is totally distinct from the Orange system altogether, and also from the old Ribbon system.

4387. With regard to the nature of civil bill decrees, have you anything to state to the Committee?—Yes. I think that in my experience, as a magistrate, there is more battling or more assaults committed, occasionally ending in death, from that cause than from almost any other.

4388. What is the nature of what is called a civil bill decree?—The assistant barrister holds four courts in our county in each year; he holds four courts which are migratory; that is, in four particular divisions of the county he holds four courts in each year; in other words, 16 courts. During that time there are from 150, to sometimes as many as 1,000, civil bill decrees issued. Those have to be intrusted to persons named by the sheriff in the warrant attached to the decree. These persons are bailiffs, and they are persons generally not of good character, or at least are rather held in dislike by the peasantry; and on these persons executing the decrees, very frequently there are battles and assaults and bloodshed.

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4389. Mr. *Solicitor-General for Ireland.*] In executing the process of the law for a just debt?—Yes.

4390. Mr. *Bright.*] Is it, in point of fact, a seizing as by a process of distraint for debt?—Yes; it is a seizing by decree for debt. It is an execution, in fact.

4391. Where a man owes a just debt, and neglects or refuses to pay, and has an action brought against him in one of the regular courts of law, a decree is obtained against him, and execution is made upon him. If in that case he resists, and a disturbance and riot and death ensue, how do you propose to put an end to that state of things?—Just in the same manner as the police have produced almost unreserved obedience to themselves in Ireland. Formerly, when we had the old constables, although they were armed by the law in the same manner as the police constables are now armed, yet they were almost universally resisted, or very frequently resisted. No person ever attempts now to resist the police, or scarcely ever does so. I should propose that a police should be had in each county for this especial purpose, and that the county should be taxed to support them. A very limited number of persons in the county would do it, say five or six persons, whose especial duty it would be to levy these amounts; and I think it would produce at once a similar obedience to the law, which is now paid to the regular police.

4392. Lord *Naas.*] Do you think that resistance is caused more by the character of the persons who execute the decrees, than by any defect in the law itself?—Clearly so; because the resistance is likely to be successful.

4393. Mr. *Bright.*] Are the expenses of those bailiffs paid by the persons who employ them, and added to the amount of the debt in the shape of costs?—I believe a certain sum is added, but not generally the whole sum paid.

4394. In case the police were employed to levy these sums, would you lay the cost of collection upon the person who applied for the decree, and by him on the person on whom the decree was executed; or would you allow it to become one of the general expenses of the police, and be paid out of the consolidated Fund, as the expenses of the Irish police are paid?—I did not intend at all to convey the idea that it should be levied by the police, as we now have them; I thought of a separate police for this distinct purpose, to be paid out of a fund created by the costs added to each decree.

4395. That is, a separate class and number of officers appointed

appointed in a manner which would give them more character and more authority in the country?—Clearly so.

4396. Lord *Naas.*] A superior order of bailiff in fact?—A superior order of bailiff; a separate institution for the purpose.

4396*. Mr. *Bright.*] Now then, to come back to the question of land; do you occupy any land yourself?—Yes.

4397. Have you done so during all the years you have been a magistrate?—Yes, I have always held land; I hold at the present time somewhere about 100 acres of land.

4398. Is it your own, or do you rent it?—I rent it, having paid a fine.

4399. For what number of years do you hold it?—I hold a part of it in perpetuity; I think I hold three farms in perpetuity, and the rest under Trinity College, Dublin, with a *toties quoties* covenant of renewal.

4400. Have you observed, within the last 37 years that you have lived in the County of Armagh, any change in the value of land?—Yes; land is now lower than it was at the conclusion of the war; the war and the Act of 1797 were the great causes of the rise in land, in my humble judgment.

4401. Did land remain, for some years after the conclusion of the war, at a high rate of rent?—It did; there was an extraordinary wet season in 1816, followed by famine and fever in 1817, and the prices of farm produce were then dearer than ever they had been at any period during the war; oatmeal was 40 *s.* a cwt. in 1817.

4402. At the present moment, is there a general complaint amongst the occupying tenants in your district, that land is rated at too high a rent?—There is.

4403. Considering the terms on which it is held, and the produce, and the value of the produce, judging from your own knowledge as a man of business, would you say that the rent is too high?—In many cases it is too high.

4404. With regard to the proprietors, are they men generally who hold large tracts of land, taking from your district down towards the district in the County of Louth, where some of the disturbances have taken place?—They are tolerably large proprietors; I do not think they are extraordinary large proprietors.

4405. Mr. *H. Drummond.*] What do you call large?—The estate on which I live, I believe, contains 9,000 Irish acres, and it is the property of Trinity College, Dublin.

4406. Mr. *Bright.*] Do you call that a large estate?—Yes.

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4407. Do the estates vary from 3,000 or 4,000 up to 15,000 acres?—My Lord Charlemont has a portion of estate there, and I think there is one townland or two townlands of 6,000 acres. I do not know of my own knowledge, but I believe so.

4408. Mr. *Caulfield.*] Is it mountain land?—Yes.

4409. Mr. *Bright.*] Are the landed proprietors generally resident or not?—They are generally not resident.

4410. Are they resident in Ireland or in this country?—I believe the Messrs. Fox live in Ireland principally, who hold between the tenants of the soil and Trinity College. Lord Charlemont lives principally at Merino, near Dublin; he sometimes lives at Roxburgh, on his own property. Mr. Hamilton, the proprietor of Newton Hamilton, lives in the County of Wicklow, I think.

4411. Is it within your knowledge, that many of the estates in your neighbourhood are encumbered, or is it a matter of general notoriety that they are so?—I believe they are encumbered; I do not know particularly.

4412. Are they managed in any cases by the proprietors, or almost entirely by agents?—Entirely by agents, so far as I know.

4413. What class of men are the agents, and how far are they qualified to perform the duties of agents?—The agent of my property is a very respectable man, and he is very well qualified for it.

4414. Have they generally been attornies?—No; the agent for my property is Mr. Prentice of Caledon.

4415. Speaking of the agents whom you know all round you, what has been their position?—They are generally men of business. I do not know of any land agent in my immediate neighbourhood who has not either been bred in an agent's office, or in business.

4416. Can you give the Committee any instance which will elucidate the present position of landlord and tenant in your district?—Yes, I know one particular case, which I can state as having come within my own knowledge.

4417. Will you first of all tell the Committee whether many leases have been granted, or whether the practice in general has been to grant leases within the last few years?—I do not think there have been any leases taken out within the last few years; but, generally speaking, there is great anxiety on the part of the tenant to get a lease. If he can get the land at a fair rent, he is most anxious to get a lease.

4418. Do you think that, since the abolition of the 40*s.* freeholds,

freeholds, and since the possession of a lease was necessary to get the franchise, leases have been more seldom given than they were before?—I can scarcely reply to that question without a history. The change took place by the landlord desiring to create a number of 40*s.* freeholders on his estate; then, when the law was changed, he found that a great number of these 40*s.* freeholders would not give him political authority, and it was necessary, if possible, to consolidate the small farms into 10*l.* freeholds. Then arose the difficulty of the people giving up their small holdings.

4419. Did that necessarily introduce and aggravate the ill feeling which existed between landlord and tenant?—Precisely so; and, besides, the landlords found that the larger the holding, the more likely he was to be paid his rent, so that he became anxious to be rid of the old 40*s.* freeholders.

4420. Spending a day in riding within a circuit of ten miles of where you live, observing the houses in which the occupying tenants live, the fences by which their land is separated from their neighbours, whatever draining operations have taken place, whatever has been done in reclaiming bog, or in clearing away rocks and stones, has it all been the work of the landlord, and the expenditure of his capital, or has it been the result of the industry and improvements of the tenant?—Of the tenant entirely. I scarcely know of any improvements having been made by the landlords. In some few cases, advantage was taken of the Drainage Act; but they are very limited in number in my immediate neighbourhood. Ten miles is a large circuit, and goes much below Armagh, and of course I cannot speak to that.

4421. Are you aware whether, under the present state of the law, there is any fair and honest security for the tenant that these improvements, when they are made, shall not be seized by the landlord, and become the property of the landlord?—There is no security that I know of.

4422. Is it not a fact, that the moment this expenditure of the tenant's labour or skill takes place, the improvements which are made become the absolute property of the landlord?—So far as the present law exists, the landlord can eject the tenant, and make the improvements his own.

4423. Is it your impression that that state of the law, and the results of it, are causes of great dissatisfaction amongst all classes of occupying tenants in your district?—It is.

4424. It has been stated to this Committee, that many cases occur in which great injustice arises to the tenants from this state of the law. Are you able to corroborate that statement;

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and if you are, can you give any cases to the Committee?—I can.

4425. Will you state the cases?—There is one case of a person who got possession of 35 statute acres.

4426. Mr. *Solicitor-General for Ireland.*] Where is that?—About a mile and a half from Armagh. It is about four miles from where I live. It is, I suppose, about 25 years ago the thing began. He paid 154*l.* 15*s.* 7*d.* for the possession of 35 acres.

4427. Mr. *Bright.*] That is, he paid that sum to the preceding tenant?—To the agent of the landlord.

4428. Lord *Naas.*] As a fine?—Yes.

4429. Mr. *Bright.*] Is it common to speak of land by the statute acre in your part of Ireland?—The practice differs on different estates. Lord Charlemont's estate is all statute acre. The College property is all Irish acre, and so on. There is no rule.

4430. Will you proceed with the narrative of the case?—This person again got possession of 7½ acres, for which he paid to the agent a further sum of 15*l.* 9*s.*, which was arrears of rent due by the former tenant.

4431. Was that about the same period?—No; some years afterwards.

4432. Lord *Naas.*] Was the 154*l.* for arrears of rent?—No; I do not think it was altogether, but it was partly. He expended 119*l.* 18*s.* 4*d.* in necessary improvements; he then parted with the farm to his brother, who repaid him those three sums.

4433. Mr. *Fortescue.*] How long after coming into possession?—I suppose four or five years. I am not exactly sure of the date. His brother then got 14½ acres additional, for which he paid, in like manner, a sum of 30*l.* 18*s.* 1*d.* for arrears.

4434. Mr. *Bright.*] To the agent or the preceding tenant?—To the agent. So that the entire sum which was paid for these 57 statute acres, to the landlord, was 201*l.* 2*s.* 8*d.* I am not speaking of the sum paid for improvements, but I say the sum paid to the landlord. The landlord actually received that amount, besides the rent agreed on.

4435. What was the rent?—The rent paid for the 57 acres was 110*l.* a year.

4436. Was this land held under lease?—No; it was in expectation of a lease; the brother, who was then in possession, laid out about 280*l.* in building a house for himself, cowsheds, stables,

stables, barns, dairy, and other necessary buildings for the proper working of the farm.

4437. Is this a property that you know yourself?—I know it myself of my own knowledge; I am speaking of a thing which is directly within my own knowledge. He again expended on permanent improvements on the land, draining, levelling, gate-piers, iron gates, ditches, and hedges, which were necessary, not less than 300 *l.*, and I think that he was the first person in that district of the country who attempted the Deanstone system of drainage. He worked the farm in regular rotation, and kept it in a proper state, paying a rent of 110 *l.* He took another farm, or rather property, in the County Tyrone, with a view of establishing a spinning mill, for the benefit of his family; he erected a weir over the River Blackwater; the landlord of the farm on which he lived, having property further up the River Blackwater, objected to his making this weir, and he brought an action.

4438. That is, the landlord of the first property of which you were speaking?—Yes; having property above the weir, he conceived that it would throw back-water on his mill. Two actions were brought: in the first case, there was a verdict for the tenant, and in the second it was referred to arbitration; but in point of fact, both actions were substantially defeated; there was no cause of complaint, for I myself had levelled it, and I was aware that there could be no cause of complaint. That was in the year 1847. In the year 1848, the landlord served a notice on the tenant to give up the farm in the county of Armagh, and brought an ejectment; of course it was immediately assented to; there was no title; it was an ejectment on the title. The tenant at once admitted that he had no lease; and he was turned out of the property without getting a shilling; and he had, besides the rent to be paid up to the last day, to pay 12 *l.* 4 *s.* 6 *d.* costs. He paid to Mr. Bond, in the first instance, as fine, 154 *l.* 15 *s.* 7½ *d.*, then he paid 15 *l.* 9 *s.*, then he paid 119 *l.* 18 *s.* 4 *d.*, then he paid 30 *l.* 18 *s.* 1 *d.*, then he paid 280 *l.*, and then he paid 300 *l.*

4439. What is the total of the amount, without the law costs?—£. 901 1 *s.* 0½ *d.* In addition to that amount, there was a sum of 12 *l.* 4 *s.* 6 *d.* for law costs; he was ejected, and he never got any compensation whatever.

4440. Who did you say was the proprietor of this property?—I did not give the name.

4441. You gave the name of the agent?—No.

4442. You said it was Mr. Bond?—Mr. Bond is the proprietor.

4443. Is

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4443. Is it a fact that the tenant in this case was a relative of your own, and that all these circumstances are accurately within your own knowledge?—They are. He is a relative of my own.

4444. When this tenant was ejected, what became of the 57 acres of land?—They remained unoccupied, I think, for one year or two years; that is, unoccupied as land; they were let to persons to graze, I think.

4445. Are they occupied now?—They are.

4446. By a regular tenant?—By a regular tenant.

4447. Do you know if he has a lease?—I believe not.

4448. Is he a person engaged in manufactures as well as in the occupation of land?—No, he is not; he is a road contractor.

4449. Does he occupy precisely the same land (57 acres) that the former tenant occupied?—I believe so.

4450. Are you aware what rental he pays for them in their present condition?—Less rent than the former tenant.

4451. You suppose that he pays less than 110 *l.* a year?—I believe he only pays at the rate of 26 *s.* an acre, but I cannot be accurate.

4452. Then how do you account for it, that after an expenditure of 900 *l.* in buildings suitable to the wants of the farms, and in improvements, the landlord is not able to make any profit of that sum so expended, but that the present tenant actually pays less rent than the former tenant paid before those improvements were made?—In the first instance, the value of land is lower; because the great means of enabling the tenants in Ireland to pay their rent was the potato crop. It was the potato crop which enabled any description of land to be let at a high rent; and, besides, persons are unwilling to take land from which a good tenant has been ejected under such circumstances.

4453. In a case like this, where the tenant was a person of capital, or a man in a superior position in that respect to tenants generally, would he expect to make his 110 *l.* a year, his high rent, out of the growth of potatoes?—No; only a portion of it. He has a large quantity of land besides this; he holds 150 or 160 acres, beside the 57 acres; and he, of course, removed to that property, having a lease of it when he was ejected. He was in the habit of taking contracts for milk and different things for the public institutions at Armagh.

4454. Mr. *Caulfield.*] Is it not a fact that the landlord in this case is a man of very eccentric and extraordinary character?—I believe so.

4455. Is

4455. Is it not quite clear, that he injured himself very much by turning out a tenant who was paying the rent you have mentioned, to let his land lie out of occupation for one or two years, and then to re-let it to another person for an inferior rent?—I think that is likely.

4456. Mr. *Bright.*] If a man under vindictive feelings would do this, which was apparently so contrary to his own interest, does it not argue that where it would be for a man's interest to take this course, such proceedings would very often arise?—Yes.

4457. And if a case like this had occurred with regard to that particular tenant, Mr. M'Kean, who was a man of station and capital above tenants generally, is it not more likely that the ordinary run of tenants would be less able to resist a practice of this nature?—Of course.

4458. Have many cases come within your knowledge, or have many cases arisen within your district, where the improvements of a tenant have been confiscated by the landlord?—I think there are a good many cases, but on some estates none at all.

4459. If one case should arise in the Barony of Armagh in which you live, would it not be likely to be known by all the tenants in that barony?—Surely.

4460. Especially if it was attended with protracted legal proceedings?—Yes.

4461. If such a case arose, and was bruited about in all that district, would it not have a very unfavourable effect, first upon the temper and mind of the people, and secondly upon their disposition to improve their holdings?—There is no question of it; but there seems to me to be something still further than that. From the great insecurity under which they labour for want of leases, they conceive they are liable to be turned out on any day; and therefore they are unwilling to cultivate the soil as well as they otherwise would do, if they felt they had a property in that soil.

4462. Lord *Naas.*] You say that your relative sunk 900 *l.* on this farm?—Yes.

4463. Do you think, from your knowledge of the country, that if any gentleman of capital were to go to any landlord in the country, and say, "I am ready to lay out 900 *l.* on 57 acres of ground," he would refuse him a lease?—I do not think he would at present.

4464. Do you think that any person so situated would have the least difficulty in obtaining a lease from any landlord?—Certainly not at present.

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4465. Mr. *Bright.*] Would there have been some time ago?—I should say there would. I do not know that the question exactly applies, because very few persons would go with the money in their pocket, and say, "I will lay it out." The outlay is a gradual outlay from year to year, and from time to time. A man drains one field this year, another field next year, and so on.

4466. Did your relative apply to Mr. Bond for a lease?—Yes; and a lease was promised by the agent; otherwise he would not have done it. It was the promise of the agent, and not the promise of the landlord.

4467. Will you explain to the Committee, how it was that when this ejectment was served, Mr. M'Kean did not contest the point, on the ground of the promise which had been made to him, that he should have a lease, and on the faith of which he had made those improvements?—He waited on Mr. Bond several times, and he repudiated the promise altogether; and, having no written promise, he thought it was useless to attempt anything in the shape of law.

4468. Lord *Naas.*] Do you not attribute the ejectment of Mr. M'Kean to a personal feeling, or vindictive feeling, on the part of Mr. Bond, because he was defeated in his attempt to prevent him enjoying the water in another place?—I think so. I did not state all that was actually stated, and very ably stated, by Mr. Napier, in opening Mr. M'Kean's case; for the fact was, that when Mr. Bond first complained that the weir which had been erected over the Blackwater was likely to injure his mill, Mr. McKean at once wrote a letter to Mr. Bond, stating that if he had done him an injury it was unintentional, and that he would refer the height of the weir to two or three engineers to be mutually appointed, and that he would bind himself to abide by their decision, which was eventually the way in which it was settled, after the second action had been brought.

4469. Mr. *Goold.*] If the potatoes had remained in full vigour, probably the gentleman to whom you have alluded would have fed his farm labourers upon them?—No crop paid so well as the potato. Even at a very low price, it paid well.

4470. Mr. *Fortescue.*] In feeding cattle, and so forth?—Yes; and besides that, they were sold as food for the poor.

4471. Mr. *Goold.*] And a good many for household consumption?—Yes; for himself and servants, and fowls, and all that sort of thing. Before the introduction of free trade, when there was an inferior crop of anything, the necessary consequence

consequence was that the price of it arose; but now if there is an inferior crop, there is no adequate remuneration in price.

4472. Mr. *Bright.*] Have you not known, during periods of deficient crops, that sometimes farmers have made a larger income than when the crop has been very abundant?—I have.

4473. And that, at the same time, the deficient crop and the very high price, have caused great suffering among the consumers?—Yes. I have repeatedly seen cases of my own workmen, who were earning ordinary wages, obliged to pluck the leaves of nettles for the purpose of making broth, and things of that kind.

4474. Was that one of the penalties paid for the protection which was offered to the land?—I believe so.

4475. You have stated that the landlords are chiefly non-resident, and that their estates are almost universally managed by agents. Has it occurred to you that, under this system, the ordinarily understood duties of landlords are fairly performed in your district?—I cannot help feeling, that if the landlords resided amongst us, we should have a much better state of things. Here are two reasons for thinking so. One, and the great one is, that the expenditure of rents in the neighbourhood would go a great way to the formation of what we most want, a middle class. The shopkeepers, the grocers, the butchers, and the bakers, would also benefit by the circulation of the sum which is paid as rent, and which is now sent out of the country.

4476. Lord *Naas.*] You have stated that most of the proprietors in your neighbourhood are resident in other parts of Ireland?—Yes; Lord Gosford lives a portion of the year at home.

4477. Does Mr. Hamilton live in the county of Wicklow?—Yes.

4478. Does Lord Charlemont live entirely in Ireland?—I believe principally, unless he is attending to his duties in Parliament.

4479. And the Trinity College estate is in that position that you have not resident proprietors?—Yes.

4480. Can you make persons reside on their property?—No; they may reside where they please.

4481. You see no remedy for that evil?—I do not. I am bound to state, even in the presence of Mr. Caulfield, that Lord Charlemont's estate is managed with very great care, and with a sincere desire, on the part of Lord Charlemont, that his tenants

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tenants shall be comfortable; although, from their own competition, and the changes that have taken place in the failure of the potato crop, his land in my neighbourhood being principally mountain, they are not so comfortable as they ought to be.

4482. Mr. *Goold.*] Do you think that, if the landlord's interest were converted into a permanent rent-charge which could not be increased, that would encourage absenteeism?—I cannot at the moment give an answer to that question; it requires thought before replying to it.

4483. Mr. *Bright.*] It has been stated to this Committee, that the tenants in these disturbed districts are impressed with the opinion, that there is much harsh treatment on the part of the landlords, or their agents, and that there is very considerable ground for that impression. What is your opinion?—My opinion is, that in some districts they are harshly treated, and that in others they are not harshly treated.

4484. Are you aware of the mode of managing these estates by agents or bailiffs, by the system of distraining and impounding cattle, and so forth?—The ordinary course is, when a man gets into arrears, that the bailiff goes and demands the rent, and if it is not paid he seizes the crop, and gives 14 days' notice of sale. He goes through the regular process of law, and the crop is sold. If the man cannot pay the rent, or a part of it, the cattle are sold, as the case may be, or anything that can be converted into money is sold.

4485. *Chairman.*] He cannot now seize the growing crop?—No, he can now only seize it after it has been cut down.

4486. Mr. *Bright.*] Are the bailiffs the same class of men whom you before alluded to, when you proposed to change from them to the police?—No, not exactly the same class.

4487. Is it your opinion that, in the performance of their duties, they are guilty of favouritism and inequality, and that they occasionally receive bribes, or that they visit with a vindictive spirit the personal differences which they have with any of the tenants?—I cannot say that I know that of my own knowledge; but, from the nature of things, I believe that to be the case.

4488. Do you believe also that that is the general impression of the tenantry?—Right or wrong, I am pretty sure that is the feeling of the tenantry.

4489. Are there any other cases of confiscation by a landlord, which you can state as illustrating the same view which you

you have brought out in the case of Mr. Bond?—I know of a very peculiar case of tenant right, exhibiting that, whilst it has wrought good to the landlord, it has wrought evil to the tenant. *W. Kirk*, Esq. 11 May 1852.

4490. In your neighbourhood?—It is about seven miles from me.

4491. Will you explain it?—A person held three acres; he paid his rent punctually, and farmed his ground well. His neighbour, holding about the same quantity of land, had to leave for non-payment of rent. The agent told the first man that he must take his neighbour's land, or leave himself. He took it, and he became answerable to the landlord for the arrears of rent, which he had to borrow; the potato failure came on, and he was processed to the Assistant Barrister's Court for the sum he had thus borrowed, and he was obliged to sell everything to pay it; but part of the arrears remained, and his own rent would not be taken without it. He held at will; he made up a year's rent, and it was refused; he went again to the agent, and was again refused, and he used this expression—"Sir, you may put me out, but you cannot suppose that I shall feel satisfied." The agent said, "Do you threaten me?"

4492. Mr. *Solicitor-General for Ireland.*] Are you aware of these facts from your own knowledge?—I do not know them of my own knowledge, but I believe them to be true. He had to borrow 22 *l.*, and to pay his own rent, and the arrears on both holdings. This man has been ruined by the tenant right purchase.

4493. Mr. *Bright.*] Do you bring forward that case for the purpose of showing that the man holding three acres of land, and then purchasing the right of the other by paying the arrears of rent, was, in point of fact, owing to the subsequent failure of the potato crop, ruined by the purchase?—Yes, I have not the slightest doubt that he will, at the next gale day, be obliged to give up both.

4494. Mr. *Caulfield.*] You do not mention that case as an instance of harshness on the part of the landlord?—No, I am not speaking of it as a case of harshness on the part of the landlord, but I instance it as a case showing the consequences of the tenant right system.

4495. Mr. *Bright.*] Do you conceive that that system, whilst it has been very beneficial to the tenant in many cases, has also in some cases involved the tenant in embarrassment?—Clearly so; and it has been more beneficial, in my humble judgment, to the landlord than to the tenant, because it always ensures

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ensures him the rent of his land, and so long as the land remained at its former price, it would have worked very well; but when the price of land began to fall, and it became impossible for the tenant to pay the former price, then it became an evil to the tenant; and I make this statement in order to show its working on a small scale.

4496. Is it not, at this moment, one great cause of the discontent prevailing in your district, that the fall of land, whether from the reduced price of agricultural produce, or from the diminished demand for land from emigration, falls first on the property of the tenant, and sweeps away or diminishes greatly his tenant right value, before it touches the rent?—Yes.

4497. Is not that, at this moment, one great source of the uneasiness which prevails in the North of Ireland?—Yes; the people feel that if they leave their lands now, they must leave on the lands all the improvements they have made, or have purchased.

4498. And if they offer to sell, the purchasers are fewer than formerly, and the price lower?—Yes.

4499. And that if they go without selling, the landlord sweeps it all into his bag?—Clearly; that is a sensible view of the case.

4500. Lord *Naas.*] Has there been a considerable reduction of rent in your neighbourhood since the fall of price, and since the potato failure?—In very many cases there has been a great reduction; in others there has been no reduction.

4501. Generally over that part of the country with which you are acquainted, has there been a reduction of rent?—Landlords are like other men; some of them are very good, and benevolent, and kindhearted, and have sympathized with their tenants, and have reduced their rents, either permanently or temporarily; others have just done the reverse, and have refused a reduction.

4502. Do you think that those who have not reduced their rent, will eventually be obliged to do it, and come down to the standard of reduction of agricultural property?—Yes; but that is just where the present difficulty arises.

4503. Do you think they will be able to do so?—Yes; the price of land, like everything else, must fall.

4504. Do you think those persons are merely holding out at the old rents as long as they can?—Yes; and while they are doing that, they are absorbing the whole capital of the tenant; or if he has no capital, they are allowing an enormous arrear, which he can never pay them, to accumulate. I know some

some properties where there is, I suppose, an average of two years, or two years and a half arrears of rent, which can never be paid.

4505. Do you think those arrears are mostly on the properties which are heavily encumbered?—I believe so; but I do not know it.

4506. Mr. *Bright.*] With regard to making of roads and bridges, and the building of gaols, and various public works of that nature, are the sums which are expended obtained by taxation from the occupiers?—Altogether.

4507. Do you know whether that is a source of complaint amongst the occupiers in your part of Ireland?—It is not a subject of complaint, but they have a feeling that the occupiers of the soil have done all these public works in the country; that they have built the gaols, the court-houses, and the bridewells, and that they have maintained the county officers; and that a landlord, excepting so far as he was an occupier, has not contributed at all; and many of them have felt that they have a claim to something when they are evicted from the land, because, in improving the country, they have benefited the property of the owner of the soil.

4508. Do not they perceive, that if these various items had not been paid for these purposes, the landlords would have been able to have charged higher rents?—It is very likely that is true, as a portion of political economy, but it is very difficult to get an Irish tenant to understand it; he thinks that the money which he has paid has improved the country, and that he has a right to some equivalent when he is ejected and sent out of it.

4509. Is it your opinion that that feeling prevails more extensively, on account of the fact that the tenant is conscious that not only those things, but the actual rent itself, is almost all the result of his labour, expended upon what might otherwise have been a desert?—Decidedly.

4510. Are you aware that in England a landlord makes all these permanent improvements on the land, which you say are made by the tenant in your part of the country?—Yes.

4511. Do you think that that great difference between England and Ireland is likely very much to affect the opinions of the Irish tenants on all these questions?—Decidedly; every one of them tells you that they have done this; and that they say "I have reclaimed this bog;" "I have drained this marsh;" "I have raised the stones, and put them in piles on this mountain; this was heath, and that was furze when I came, and it is now all in cultivation." Therefore they conceive

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that this gives them a sort of right or interest in the soil, for which, if the landlord ejects them, they shall never be paid.

4512. You say that is the universal feeling of all classes of tenants, Catholics as well as Protestants?—I believe so.

4513. Mr. *Caulfield.*] Has it not always been the custom formerly to give a three lives and a 31 years' lease to tenants taking these mountain farms?—I believe it was so. I know it was so on Lord Charlemont's estate.

4514. On many estates?—On many estates.

4515. Were not the tenants bound under those leases, in consideration of the low rent at which they get the land, to improve and build, and fence and so forth?—I do not know what were the covenants in the leases.

4516. Have you never seen leases with those covenants in them?—I think I have seen leases on the Charlemont estate, with those covenants to make ditches and to build houses.

4517. Would not you say that those improvements belonged to the landlord according to the covenants in the lease?—The improvements specified in the lease would belong to him, but they would form only a minor part of the whole improvements on the property.

4518. Lord *Naas.*] When you talk about "improvements," do your remarks apply to reclaimed bog and mountain land principally?—That is the principal portion of the land immediately around where I live. I am speaking of my own locality.

4519. Then your remarks do not apply to other parts of Ireland, where such works as taking stones off or reclaiming bog, and other excessively laborious occupations, are not necessary?—There draining applied more particularly. In the clay soil, draining was most required, and draining has been going on for 30 or 40 years, according to the knowledge which the people had. At first the form that was adopted was that of angular draining, but now the system is that of furrow draining.

4520. Has it been the general practice in the county of Armagh for the tenants to drain in the clay soil?—Always.

4521. Do you think there is a growing disposition on the part of Irish landlords to follow the example of English landlords, and to assist the tenants in improvements?—I am not aware of it.

4522. Mr. *Hatchell.*] Are you aware that, in some instances, the tenants have been supplied with timber and slates for the purpose of improvements?—On the property of Lord Templetown, which lies a little beyond me in the county of Monaghan,

Monaghan, the tenants have been supplied with timber and slates.

4523. Mr. *Caulfield.*] Has not that been done for many years on Lord Caledon's estate and on Sir James Strong's estate?—Yes, I think so, but not in all cases.

4524. Mr. *H. Drummond.*] Are the timber and slates given towards building a new house, or have they been given towards repairing one which is already in existence?—I think for new houses.

4525. Mr. *Bright.*] With regard to the feeling of the people towards the soil, and particularly with reference to the emigration which is now in progress, do you think there is, on the part of the tenantry, a strong clinging to the farms on which they have been reared, and which they have cultivated?—Very strong.

4526. Is it considered amongst them the last of human disasters almost, when they are driven from the possession of their small farms?—I think that feeling is gradually passing away. It was the feeling at one time.

4527. On what account is it passing away?—There has been, I may say, almost an organized system of emigration from our neighbourhood for many years. A great number of persons have been systematically in the habit of leaving the neighbourhood in which they have lived for 20 years past. A son or a daughter goes first, acquires some money, and sends it home; and generally, I may say, the check has passed through my hands; the money which is sent takes out another member of the family, and at length the whole family go. It is on that ground that I feel the question has almost ceased to be an Irish question, and has become an Imperial question.

4528. If these individuals, members of families, cross the Atlantic, and settle themselves in the United States, find employment there, are frugal enough to save money, have so much regard for their relatives who are left behind as to remit money to Ireland to bring them one by one, or altogether, to the States, and in the States become a prosperous race, that indicates the possession of moral qualities of no mean order. How comes it that the possession of these moral qualities is not sufficient in their own country to give them a better position than they now enjoy, and to make them prosperous and contented there?—Their position, as occupiers of the soil, does not give them the opportunity of acquiring property, so far as I know. The consequence is, that they are not able to become prosperous, and that want of success, perhaps, is the great cause

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of their remaining in the state in which we find them; but when they go to the United States of America, they carry out with them the frugal habits, and, in fact, the habits of very low living, contentment with little, which they had in Ireland, and for the first three or four years that they are in the States, their wages are so much greater than they obtained in Ireland, that they are very easily able to save money. I have remarked that, almost universally, they save money during the first three or four years; but that after they have been there a number of years, they fall into the more expensive habits of the people of the States, and rarely remit much money home.

4529-30. If, within the first three or four years, they are able to remit what is sufficient to bring out their family, is it to be presumed that they do not still prosper and still accumulate in America, because they do not bring out more distant relatives and members of their family?—No, I do not mean to convey that idea at all; but the fact is, that when these parties go over to the States (and I have had an opportunity of reading, perhaps, thousands of their letters, because they bring them to me to get cash for their checks), the invariable tenor of their letters is this: "If you come out to this country, you can get 100 acres of land for ever, free of rent, for one year's rent of the five or six or seven acres you have now at home; therefore, come." If they go out and leave their farms and get nothing for them, or if they are evicted, and the last shilling they have is taken from them by the landlord, which he has a right by law to do, the consequence is, that they go out with a very bitter spirit and a very bitter feeling towards England and English law; and that is the reason I have just stated that the question has ceased to be an Irish question and has become an Imperial question. I earnestly believe that that bitter spirit which we see so strongly exhibited in the United States, or the States of America now, is Irish in its origin.

4531. Then you agree with the statement of Mr. Grattan, that what you trample on in Ireland will sting you in America?—I do; I think it is important to elevate the position of the Irish peasantry.

4532. Having lived 37 years in that district, have you observed frequent changes of proprietorship; that is, actual sales of the fee simple of landed property in estates or farms of moderate size?—The word "estates" with us means the estate of such a person as my Lord Charlemont. There is no change that I know of in our neighbourhood; the proprietors have remained the same ever since I can recollect.

4533. Suppose that yourself, or any man who could raise

1,000*l.* or 2,000*l.* or 500*l.*, wished to invest it in the absolute purchase of a farm himself or for his son, would that be found easy of accomplishment in your neighbourhood?—It would not.

4534. I was speaking, more than two years ago, to a gentleman 50 years of age in the neighbourhood of Dublin, about the purchase of land; and he told me that, with the exception of the sale of great properties, which sometimes occurred, in his whole lifetime he had never known a single sale of a small portion of land, such as five, or ten, or fifteen, or twenty acres. What is your experience with regard to that?—There are sales from tenant to tenant.

4535. They are merely sales of possession; the question referred to sales of the absolute fee in land?—There is no such thing, or it is a very rare case.

4536. You are aware, of course, of the operation of the Encumbered Estates Commission?—A little of it.

4537. Are you of opinion, that so far as that court operates at all on labour, it must be advantageous or otherwise to the population of Ireland?—I believe it to be advantageous.

4538. In that case will the advantage, so far as regards any particular class of tenants, arise chiefly or entirely to the tenants whose estates happen to come before the court? For instance, would it be very easy for a tenant in your neighbourhood to remove three or four counties off, and to buy a farm which was offered for sale in the Encumbered Estates Court?—Yes, it would, if he chose.

4539. If he were a person with great information on these subjects, with a good deal of loose capital, accustomed to business, and to the purchase and sale of land, it would be easy; but in the position of the tenantry on these various estates you can conceive that the Encumbered Estates Court for a long time cannot affect their position?—The great difficulty is, that the farming capital of Ireland is greatly reduced. The rents for the last four or five years, in very many instances, where they are held under leases, have been paid partly out of capital.

4540. The effects of the potato failure, and the reduced prices of some agricultural articles of produce, have caused a state of things where the demands of the landlord for rent have exhausted the means of the tenant?—I should say they have lessened the farming capital of the country.

4541. Have you ever turned your attention to the difference between the condition of things as to the sale of land and the sale of your pieces of linen?—Yes.

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4542. If I were to come to your warehouse, and offer a price which was satisfactory to you, for 100 or 1,000 pieces of linen, I could take them off the next day, if you had them in stock?—Yes, within an hour afterwards.

4543. The apparatus you have for the purpose of carrying on your bleaching, or that which your sons have for carrying on spinning, is transferable without difficulty?—Yes.

4544. If all your mills, and your machinery, and the bulk of your raw material, flax, and the goods that you manufacture, were tied down to a certain class of owners, as the raw material of agriculture is, do you think the linen manufacture would prosper in Ireland?—It could not go on at all.

4545. Do you think it would be strangled altogether?—Altogether.

4546. Is it your opinion that the condition in which land is thus held by the law, is to a large extent answerable for the difficulties into which your agricultural population are plunged?—It is.

4547. Are the estates in your neighbourhood mostly entailed?—The estates of Trinity College cannot be entailed, I should say. The lands held under the Archiepiscopal See of Armagh cannot be entailed; neither can the lands belonging to any ecclesiastical corporation, I believe.

4548. The question referred to estates held by private individuals?—I believe they are entailed. I think the Charlemont property is entailed; I think Lord Gosford's property is entailed, but I do not know anything of that.

4549. Mr. *Caulfield.*] You cannot speak to that?—No, I do not know it.

4550. Mr. *Bright.*] You are not asked about any particular estates, but with regard to entails and settlements, and encumbrances and complexities of title. Is it within your knowledge, or do you believe, that all those things greatly affect the power of transfer and the freedom of sale of landed property among the people?—The complication of title is a great evil, and a great obstruction to the progress and prosperity of the country. There can be no doubt whatever that there are many cases, such as where property is entailed or encumbered with settlements, or where there are minors interested, or a great variety of other cases, which will readily suggest themselves to the mind of any gentleman on the Committee, there can be no doubt that there ought to be some mode by which parties who desire to improve their land should be enabled to obtain such leases as will warrant their making improvements. No prudent man will improve without a lease.

4551. When

4551. When we speak of the population of Ireland generally, would you say that the means of becoming possessors of land in their own country is equally open to them as it is for them to become possessors of other descriptions of property. Is it not a fact that the Irish people, while they live on the land, and walk over it, and till it, are not themselves the possessors of the soil?—They are the occupiers, and are really not the owners. In some cases they have leases, and in others they have not. They are not owners in fee simple at all.

4552. Is the ownership confined, speaking generally, to a very small section of the whole inhabitants of Ireland?—Decidedly.

4553. A great number of the owners are not inhabitants of Ireland at all?—No.

4554. And so far as regards the population, whom, in travelling over Ireland, you may see living and moving about, and doing all the work, and being the actual bone and sinew of the nation, they are not the proprietors of the soil at all?—Not in the sense in which you put it.

4555. Looking to your experience, as man a of business, knowing how much perfect freedom there is of purchase and sale of raw material, and of everything that is necessary for the processes of a manufacture, is it your opinion that one great problem with regard to the Irish future would be solved, if land, the raw material of a great portion of your industry, were set as free from legal impediment, in sale and transfer, as the various matters and things which are necessary for the carrying on of your linen manufacture?—Decidedly, if such a thing were practicable.

4556. Is it within your knowledge that it is practicable, and is practised in any other country in the world?—I am not aware of it. I am not much aware of the American laws relating to land.

4557. If you happen to get into trouble in your business; if your business is bad, or if you fight a contested election, or if you take to the turf, or to any other still more objectionable mode of expending money, the result would be, to a person in your condition of life, that you would get into the "Gazette," and that your machinery and stock in trade, and everything you had, would be sold off for the benefit of your creditors?—Surely.

4558. That is a course of law of which you approve in such circumstances?—Yes.

4559. Provided there was a course of law with regard to land, which made it impossible for a landed proprietor, who

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was deeply mortgaged and heavily embarrassed, and bankrupt, to maintain the possession of his land nominally, as it would be for you to maintain possession of your machinery under those circumstances, do not you conceive that very many estates in Ireland would long ago have been broken up, and would have come naturally by process of sale into possession of a larger number of the population?—I have no doubt it would; and the Encumbered Estates Court is doing that very thing to a certain extent.

4560. If such a thing proceeds for a long period, or extensively operates in Ireland, is that one main source to which you look for an improvement in the condition of the people, and for greater steadiness of industry and stimulus to industry?—I do not exactly look to that; I think there are other remedies which would be more simple and easily come at. That is one class of remedy, but it is one which would necessarily be slow in its operation. The difficulty which presents itself there appears to me to be, that many of these encumbered estates are bought by people who will not reside on them, and that it makes but little difference to a tenant in the county of Armagh whether his landlord resides in Dublin or in London.

4561. The case put to you was, that these estates were gradually dispersed, and that they became the property of the Irish population; that is, that farmers who in some cases have been able to accumulate some little money, would have a more free opportunity of becoming purchasers of land themselves?—It is quite true, but that will have a very partial operation, and I was going to explain that. Suppose the lands of a large proprietor are sold; that they are bought by five or six persons; and that one or two of them live in London, one or two in Manchester, and one or two in Dublin; these people sublet them to tenants, and unless they give leases, the tenants will be in no better position than they were before. In very many cases they would be in even a worse position, because, in the case of a large landed proprietor, there would be a feeling of patrimonial descent or clanship, as it were, remaining, and that would cease to be the case with a man who buys the land as a money speculation. I do not think that would meet the case at all.

4562. Notwithstanding that such cases might happen to a considerable extent, yet, on the other hand, greater freedom in the power to sell and transfer land, less costs, less power to retain it in the hands of a proprietor, would also facilitate at the same time the obtaining possession of land by a resident yeomanry

yeomanry class?—Yes. The great point is to reduce the price of the transfer. The transfer is a most cruelly expensive job with us.

4563. Mr. *Caulfield.*] If land can be sold in the manner which has been referred to, do you think that the occupying tenants in the county of Armagh, or any other district in Ireland that you are acquainted with, would be likely to become the purchasers or proprietors of their own farms?—Certainly not, generally, in the county of Armagh. I know districts in which they would be likely to become so.

4564. Lord *Naas.*] What district?—Portions of the counties of Antrim and Down.

4565. Is that the most prosperous part of Ireland?—Yes. I have already stated that the capital in the hands of the occupiers of the soil has much lessened of late years.

4566. Mr. *Bright.*] With regard to the disposition of the farmers to buy farms, provided they had the means, is it not a fact that there would be a great disposition on their part to become the absolute owners of their farms?—The greatest anxiety.

4567. You have stated that Mr. M'Kean paid 154*l.*, and this Committee has heard in evidence of cases where 10*l.*, and 15*l.*, and 20*l.* an acre for tenant right has been given. Supposing that a tenant, instead of giving 20*l.* an acre for the tenant right on a certain farm, could at an expense of 10*l.* or 20*l.* an acre have bought the farm absolutely, do not you think he would have been very likely to have become the possessor of land?—Clearly.

4568. You do not for a moment intend to say that the disposition to become owners of their farms does not exist?—I do not; that was not the question, as it was put.

4569. With regard to the temper of the people as regards the law, is it your opinion that the feeling of the people is generally in favour of the law; that they believe it to be impartial towards them, and for the equal protection of all, or is their feeling with regard to it of a contrary character?—The feeling of the people is, that the power of the landlord is irresistible, and that they have no safety but in compliance with his demands, or leaving the country; this applies to tenants at will.

4570. It has been stated to this Committee, that the discontent which exists has taken the shape periodically of such disturbances as this Committee has been appointed to inquire into, for the purpose of what they consider restoring the balance; and that such an amount of terror is kept up, as to prevent

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prevent the landlord from using all the powers which the law gives him; are you able to confirm that statement?—I have no doubt of that; I have no doubt that a reign of terror now obtains which prevents the landlord using the powers which the law gives him.

4571. And that the reign of terror is created for that purpose?—Clearly.

4572. Since the attack on Mr. Chambré, has there not been a lull in your district, and a cessation of outrages?—Yes.

4573. Have you formed an opinion on whether, when two or three or four outrages have been committed in a district, a sufficient amount of terror is suffered to be created to obtain the end of the tenantry, and that then nothing more is done until some further aggressive act on them is conceived to be committed by the landlords?—It must be clear that the object of the tenantry is to get a reduction of the rent, and a security in the possession of their holdings at such reduced rent. Of course, if that is obtained, for the time they are satisfied; but I also know that the success which attends one act of aggression, or one murder, induces them to go forward; in fact, it is the success which has attended the combination which has caused it to spread, and which has made it so formidable.

4574. Have you had many opportunities of discussing these points with the occupiers of land?—Frequently.

4575. Can you give the Committee some notion of what they say and think in their familiar moments, when they are discussing their prospects and condition?—It must be obvious, that the class of persons who are occupiers of land in Ireland are, I may say, utterly ignorant of the principles of political economy. I cannot get them to understand that demand and supply will always regulate prices.

4576. Is it within your knowledge, that that difficulty exists also among the proprietors?—I have not the same opportunity of knowing that. My impression has been, that the great thing to settle this question would be, to place the owner and the occupier somewhat on a level as regards their position in the eye of the law, and leave them to settle the price themselves; and that it would very soon settle down. I have no more idea of interfering to arrange the price of land, than I have of interfering to arrange the price of linen, or of corn, or of pork. The opinion of the people, so far as I know it, is that the price can be regulated.

4577. Mr. *Caulfield.*] And ought to be regulated?—Yes; and ought to be regulated.

4578. Mr.

4578. Mr. *Bright.*] Have they not always been taught, that through the paternal care of Parliament, a remunerating price would be offered for agricultural produce, until recently? —Yes.

4579. Does the idea that something will be done also to regulate the price of land, not unnaturally grow out of that opinion?—The feeling amongst the farming class was, that the Corn Laws kept up the price of land, and that with the change in the Corn Laws and the potato famine, it was impossible for them to pay the rent. That is their feeling.

4580. Do they think the law should step in to moderate their rents?—They think that the law should give them the power of relinquishing the land when the rent is too high, and that they should be paid for their improvements.

4581. Is that in the case of leaseholds?—Both leaseholds and others; and much more strongly with those who hold leases which were made during the existence of the Corn Laws.

4582. With regard to the question between landlord and tenant, have you considered any provisions which could be embodied in a bill to give to the tenants the security which they think they should have, and which you also think they should have, with regard to compensation for improvements? —In the first instance, I do not think that the plan which I would suggest would be likely to go so far as many tenants, and many persons who are connected with land in Ireland, would expect; I would propose simply to apply a similar rule to land to that which I would to any other commodity. I would place the owner and the occupier more nearly on a level than they now are, and leave them as they were before the fall of prices.

4583. *Chairman.*] To make their own bargain?—To make their own bargain.

4584. Mr. *Bright.*] With regard to the enactment which you seem to hint at, to give the tenant security for his improvements, have you at all considered what should be the direction of the clauses, or what should be their nature?—I have. I should say, that in all cases of eviction, the landlord should compensate the tenant for all improvements made on the land, either by himself or those from whom he derives, at their present value, and not at what they cost. In cases of tenants at will, if the tenant desires to leave the land, I think it should be made lawful for him, in the month of April in any year, to serve a notice on the landlord or his agent, that he intends to leave the land on the 1st of November then next ensuing, which

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which is the ordinary period of the termination of our land contracts, and that he claims a certain sum for improvements made on such land, which improvements he should properly describe in such notice, and that he should, at the succeeding Quarter Sessions, held in October, prove the fact of having made such improvements, and the justice of such claim, before the assistant barrister; and the assistant barrister might or might not have the assistance of a jury, as it might appear to Parliament to be proper. When the sum demanded should not exceed 100 *l.*, the assistant barrister should be empowered to hear and determine all such claims, either with or without the aid of a jury. If no appeal was made, then the tenant should be paid the sum awarded by the court, on his giving up the quiet and peaceable possession of his holding, on the 1st of November, as specified in his notice. The giving up the possession, and the payment of the money, to be at the same time. I recommend the Assistant Barrister's Court, because I believe that it is a court of great impartiality, in which the people have great confidence, that it is presided over by gentlemen learned in the law, that to its decisions I believe generally the people are disposed to bow, and that the possession, thus peaceably given up, would do away with many of the causes of agrarian outrage. The next point would be, that where the decision of the barrister is appealed from to the next going judge of assize, (which is the usual course of the court), then the amount claimed should be lodged in the nearest branch office of the Bank of Ireland, until the final decree was pronounced; the land to be given up at November as if the money had been paid. Again, when the sum claimed exceeds 100 *l.*, the case should be heard in one of the superior courts in Trinity Term of each year, so as that in all cases possible each party might know what they had to pay and receive when the occupation ceased. Owing to the failure in the potato crop and the change in the Corn Laws, it has become impossible for tenants holding under leases made prior to the year 1846, to pay the rents reserved by such leases. Though much more important improvements have been made on such lands so held than by tenants at will, it should be enacted, "That for three or five years after the passing of the Act, such tenants so holding shall have like powers to give up their holdings, and obtain compensation, as are hereby granted to tenants at will: Provided always, that any tenant who holds under any such lease, and neglects to take advantage of this Act within the time specified, shall not have power to do so again during the continuance of such lease."

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As the public works in Ireland, such as roads, bridges, court-houses, gaols, bridewells, &c., have all been paid for out of the county cess, levied annually from the occupiers of land (no part of which was paid by the landlord unless when an occupier), and as these form part of the general improvement of the property of the owners of land, in all cases of eviction due regard shall be paid by the assistant barrister to the interest the tenants by such annual payments have acquired in them. There are other amendments in the law of landlord and tenant, such as the power of tenants for life to make leases in perpetuity; but these do not much affect the object of the present inquiry. But my conviction is, that some such law as I have thus imperfectly sketched has become an imperative necessity, and that this is no longer an Irish but an Imperial question. Every Irish tenant feels that the landlord is armed by law with an irresistible power, from which there is no appeal, nor any safety but in flight. He leaves the shores of his native land the bitter foe of England, the victim of what he calls the injustice of her laws. I speak this strongly, not because these are exactly my own opinions, but because I know them to be but too generally the opinions and feelings of the tenant farmers of the North of Ireland, even of those who are as utterly opposed to crime and outrage as any member of the Committee. England can and may afford to despise it now; but the time may come when the bitter feeling against her, which now prevails in the American Union, and which is essentially Irish in its origin, shall be deeply regretted by her statesmen. I have further to add, that I know many landlords, most excellent men, who need no law; I know many tenants who will neither pay rent nor give up their holdings. Neither of these facts, however, change my opinions. I know that the generous rule of a mild and benevolent despot is the best of all governments, yet, as I prefer the well-balanced arrangements of the British constitution to any despotism, so do I contend for placing the relations of landlord and tenant in Ireland on such a footing as shall secure to each their just rights by law, and yet leave much room for the exercise of mutual goodwill and kind offices, which it is most important for the general welfare should be speedily restored.

4585. Have you considered what are the items of improvement to which the compensation should be directed?—Improvements, such as farm buildings for the purposes of the farm, whether dwelling-houses, offices, or others; improvements in

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in drainage, or improvements in reclamation of waste lands and fences.

4586. Should the improvements always have regard to the size and the wants of the farm?—Certainly. I could not for a moment be supposed to contend, that if a man lays out 500 *l.* in building a house on 10 acres of land, he should be remunerated for that.

4587. You mean that he should be remunerated for the increased agricultural value of the farm?—Yes, and also for the houses, offices, roads, fences, &c.

4588. It is agricultural value, if they are houses necessary and suitable for the farm?—Yes.

4589. Are you aware that in Ireland there are two systems pursued; one of which is known as the tenant right system of the North, and the other, which is maintained over the largest portion of Ireland, where tenant right is not recognised?—Yes.

4590. With regard to the last, that is, where tenant right has never been recognised, would you propose that this compensation should be given for improvements already effected, or for improvements that are to be made after the passing of the Bill which should give this compensation?—For improvements already effected, if made by the tenant.

4591. Do you not conceive that it would be a violation of the rules of political economy, for a man in the county of Cork, who had been farming on a lease for the last seven years, or ten years, or fifteen years, under which he had no expectation of receiving compensation for any improvements, that a law should now pass to give him that compensation?—I do not think that any man will make improvements under the idea that he will not get anything for them.

4592. If a man had a lease of 20 years, or 30 years, at a given rent, might not his rent have been fixed on an understanding between himself and his landlord, that during that long period he might make improvements which would be worth his while to make, and that during the term of his tenancy he would have great advantage from making them, and that at the conclusion of the lease he knew that the improvements would go to the landlord?—If there is a contract, either absolute or implied, of course then he has no right.

4593. Assuming that there should be any insurmountable objection in the mind of Parliament to grant a retrospective compensation of that nature, is it your opinion that a prospective compensation, that is, a compensation for all improvements made after the passing of the Bill, would, so far as the future

future is concerned, be a very desirable measure?—It would be desirable, certainly; but it would not satisfy the people at all, nor would it be just.

4594. You think that, from the fact that all improvements are made by the tenants, and from the long discussion and agitation that has taken place on this question, the tenants would consider their case but half dealt with, if reference were only made to prospective improvements?—They would think they were unjustly treated.

4595. That is, that a large portion of their claim was not recognized by Parliament?—Clearly.

4596. In case your proposition were adopted by Parliament, would you propose to limit the retrospective action of your Bill to a short number of years?—I have already stated that I thought it should be the present value of the improvements.

4597. Would not a tenant be required to show that the improvements had been made by him, or some one from whom he had derived, and had not received any compensation?—Yes.

4598. And further, he must draw a limit as to the time when he would go back; or else the landlord might be driven to pay him compensation for everything except the bare heath, which the land was before it was occupied by the tenant?—I take the present value of the improvements, because I do not think there were any great improvements made until late years.

4599. Suppose a house had been built for 60 years on a farm, and the farm in that time had passed through half a dozen hands; you would not propose that the present occupier should make the landlord pay the existing value of a house built 60 years ago on that farm?—Supposing the house had originally cost 50 *l.*, and was then worth 15 *l.* or 10 *l.*; it is the present value I refer to.

4600. In many of these cases, the tenant has come into possession of the farm without paying for any tenant right?—Yes. Supposing a tenant gets into possession of a farm from the landlord, without paying anything to the landlord as arrears of rent, and without paying anything to the preceding tenant, and that he gets the land with a house upon it from the landlord, he has clearly no right to compensation whatever, because he took the house with the land from the landlord, without paying anything, and therefore he has no claim, unless he has made improvements.

4601. Therefore he could only claim for prospective improvements?—That is all; but where, as in the majority of cases in the North of Ireland, the tenant pays first a sum for

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tenant right, for improvements made by his predecessor, he has clearly a right to some compensation from the landlord, when he is evicted from the possession of the premises.

4602. Are you not aware that the sum paid to the preceding tenant, very often, has no particular reference to the nature or value of the improvements on the farm, and that out of 100 *l.* paid for what is called tenant right, the preceding tenant might not be able to show improvements to that amount; but that a portion of it is paid for the actual right and value of the possession of the land?—A portion of it is for that, but a very small portion.

4603. In that case, would you find great difficulty in ascertaining the precise amount of a just claim?—There would be difficulty, but not very great difficulty.

4604. In cases where the tenant right prevailed, how would you deal with that difficulty, from the mode in which you would deal with cases where the tenant right had not prevailed?—I have already stated that I would give the tenant the present value of the improvements, and those I have already stated should be set forth. His claim should be set forth in his notice, and that notice would be dealt with by the assistant barrister. A very few cases would rule the matter.

4605. Then you do not agree with the proposition which has been started by some persons, that it would be necessary to fix a period back, beyond which a tenant should not go in making a claim for improvements?—I do not object to that. It might be wise, perhaps, to do that; but, looking to the present value of the improvements, and looking to their deterioration within the last seven or eight years, when it was impossible, or nearly impossible, in most cases for the tenant to make improvements, I do think that the present value would be the fair value.

4606. Have you had an opportunity of reading some clauses which have been drawn up for a Bill on this subject?—Yes.

4607. With regard to places where no tenant right has existed, in those clauses was the compensation prospective for future improvements?—Yes.

4608. You do not think that would give satisfaction to the people?—The answer I gave before shows my opinion. Where there was no tenant right, that is, where a person took land with a house upon it, and simply kept in repair the buildings he found, I think he has no claim whatever.

4609. But wherever he did pay anything to a tenant before him, would he have a claim to compensation?—Whether he paid or not, if he built a new house on the land, or if he improved

proved the land, I think he would have an equitable claim for compensation if he were deprived of the land.

4610. Mr. *Goold.*] No matter how long ago?—I do not mean to say very long ago, but supposing it was done by him or by his predecessor.

4611. Lord *Naas.*] Suppose a case where a man took a farm with a lease 15 years ago, upon a distinct understanding that he should build a house, and make certain improvements, do you think in that case he would have a claim to compensation?—Surely not, because, if he has made that contract, he has simply fulfilled his contract.

4612. Mr. *Bright.*] Referring to the clauses of the Bill which you have read, you will observe that it is proposed, where the tenant right exists, that the tenants should be allowed to claim for any improvements made not further back than 20 years?—Yes.

4613. Is it your opinion that such a clause as that would give to a very large extent compensation to the occupiers of land in the North of Ireland?—I think it would not.

4614. Do you think it would not be sufficient to give them a satisfactory settlement of the question?—If they were simply to get the present value of those improvements, it would not satisfy them.

4615. On the other hand, do not you perceive that, having to meet the views of both landlord and tenant in this matter, they being the contending parties, it would be desirable to fix some limit, beyond which the tenant should not go back, in order to remove the fears of the landlord that he may be burdened with compensation which it will be almost impossible for him to pay?—Perhaps it would.

4616. Might not such a solution of the difficulty be very much better than leaving things as they are; and might it not perhaps be as well as anything else which could be done?—Perhaps it might.

4617. You employ a large number of persons, and are intimately acquainted with their temper and so forth?—Yes.

4618. Is it your opinion that the people of Ireland, so far as you are acquainted with them, are docile, respectful, and obedient to the law, in all those cases where their common sense and their moral sense show them that the law is impartial?—It is my opinion that that is the character of the people in the neighbourhood where I live.

4619. Are all the people whom you employ, with very few exceptions, natives of Ireland?—Yes.

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4620. Are Englishmen at all employed by you?—Yes; English and Scotch mechanics, overlookers, and managers.

4621. Do you find the Irish population industrious, steady to their employment, and generally trustworthy?—They are not so steady to their employment as the English. To a great extent an English workman is a mere machine. He will work all day at anything you put him to, without lifting his head or turning round. An Irishman will not do that. I have often seen an English labourer working, who, when a coach has passed him, has never looked up. An Irishman, the moment he heard the first rattle of the wheels, would look up at everybody on the coach, and tell you the colour of each of their coats.

4622. Mr. *O'Flaherty.*] Would an Irishman make up for that again by the quickness of his labour?—Some of them would, and some would not.

4623. Mr. *Bright.*] Do you account for that difference which you have witnessed by the fact that an Englishman, from his youth, is accustomed to the discipline of a steady industry, and that Irishmen are brought up in habits which are less laborious, and less unremitting as regards their labour?—My impression is, that the great difference between the population of the two countries arises from the females. We are all creatures of habit. In the one case the Englishman is early taught habits of industry and labour, and cleanliness, and above all, a strict attention to the duties which are laid before him, whatever they may be, whether they are in the mill, or in the field, or in the workshop. The child is taught by its mother in the first instance. Generally speaking, the females in Ireland are exceedingly careless about that education of habit which forms the distinctive difference between the two countries. The females are much more indolent themselves, much less cleanly, and much more inclined, so far as I know, to gad about, and the children follow the habits of their mothers.

4624. Do you think that any portion of that difference is to be accounted for by the fact, that the circumstances of the dwellings of the Irish population are very much more unfavourable to cleanliness, order, and comfort, than the circumstances of an equal rank of population in England?—They are; but even supposing I build a set of cottages, and make them as comfortable as any workman's cottages in Lancashire or Yorkshire, in a very short time I find the windows broken, and stuffed with straw, the doors off the hinges, and the things all cut, and carved, and knocked about.

4625. Are

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4625: Are you not aware that, with regard to many of your countrymen in the United States and the English Colonies, no difference can be observed between their manner, and habits, and progress, from those of the English or Scotch?—We have a very abundant proof of the reverse in this very city. If you go to the neighbourhood of Seven Dials, you will see little difference between it and any town of Ireland; and that where they are brought in contact with all the cleanliness, and wealth, and opulence of London, they have the same habits which they had at home.

4626. Then would you say that the Irishman is very much like a cask of Madeira, and requires a sea voyage to improve him?—I do not think that is fair; what I mean is, the education of good habits is what they want. They want habits of cleanliness, habits of industry, and early training; and all those I think the English derive from their mothers.

4627. Do you know Mr. Dargan?—Very well.

4628. Mr. Dargan once told me, that what the Irish people wanted was the discipline of steady industry; and he said, "Give them that, and you will find they will do as much work and do their work as well, and give you as much for their wages, as any people in the world." Do you generally coincide in the opinion, that that is what they want, and that their natural qualities would be greatly improved and rendered more serviceable if that steady industry were the lot of their lives?—I have no doubt there are no workpeople in the world superior to the workpeople of Ireland, if they just possessed that quality of steady industry which they want. Their talents, in many cases, although they may be in a humble station, are of a very high order; there is a readiness of expedient, an aptitude of comprehension, a clearness of judgment, and an inventive faculty about them, which certainly Englishmen have not so generally.

4629. *Chairman.*] Then you think, perhaps, that generally the explanation is, that there is a balance of gifts, and that one nation has its peculiar gifts, and that the other nation has its peculiar gifts?—Yes; but I think if we could direct differently the habits given by the female population of Ireland, they would be inferior to no nation under the sun. I have that feeling very strongly. They do not want book-learning, but they want the education of good habits.

4630. To train them to their duties?—Yes, they want the education of early discipline.

4631. Mr. *Goold.*] Are the police force a strong instance of that?—Yes; they are cleanly, active, and intelligent.

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4632. And there is a good deal of self-respect about them?—Yes, there is no force in the world superior to them.

4633. *Chairman.*] Would you say that what is wanted is, to train them to the duties of the station in society in which God has placed them?—Yes.

4634. And to discharge those duties diligently and carefully?—Yes.

4635. That would be more important than what you call book knowledge?—Yes; so far as I know, I think they are, as a nation, at least in the North of Ireland, better educated than the English of a corresponding class.

4636. You have stated that the landlord has a great many social and moral duties to perform. Do you think the performance of those duties is very important to that class of people?—Clearly.

4637. And that not merely the spending of money, but the opportunities of moral influence of a landlord are of the greatest importance?—Most important.

4638. Have you observed in parts of the country where there are some defects in the social structure, a corresponding defect in the character of the people?—Yes.

4639. With regard to compensation to tenants for improvements, in the mode in which you propose to have the question decided by an assistant barrister upon a notice of claim, does it occur to you that there would be great difficulty in ascertaining who made the improvements, when they were made, and their value?—I have left the proof on the occupier.

4640. Do you think that in working that out justly and honestly, there would be, in many cases, great confusion and opportunities of fraud?—There would be; but I have a strong confidence that in the ample time which would be given from April until October for that purpose, which is a period of five months, there would be opportunities on both sides given to inquire into the truth.

4641. Then would you say that any improvements which had been made should not be exhausted by any number of years?—I think part would be exhausted. It is the present value of the improvements I propose to give the tenant.

4642. Suppose a man came forward and said that he purchased from A. B., and that he paid him, before the fall of prices, so much for the tenant right, and that improvements had been made, that the land had been drained, and so on, how could that statement be encountered by proof, in any way, to ascertain when it was drained, or how long the party had been enjoying the benefit of it?—Any money which had been

been paid for the possession of the land I would consider as lost. I would merely give him the value of the improvements at their then value.

4643. In purchasing the tenant right, do not they often pay a price merely for the good will of the land?—They do.

4644. Where really it has not been, in point of fact, improved at all?—Yes, or very little improved.

4645. And, in some cases, is there a mixture of the good will and the improved condition together?—Yes.

4646. Suppose the case of a tenant going to leave a farm, and failing to sell it to a purchaser approved by the landlord, and that he could get no one to give him a fair price for it, would you say that in that case the landlord should be compelled to give him a price for it?—Certainly. If the tenant had not that power the landlord might object to every purchaser. The difficulty now is in getting prices. The fall in the value of farm produce has produced a fall in the value of land, and therefore people are disinclined to buy.

4647. Suppose a case where no one would be willing to give anything by way of fine?—I do not think that case will arise.

4648. Do you think that in every case in which a farm was set up something would be given?—Yes, so far as I have known, there always is.

4649. Then, do you think that would be a fair measure of what it would bring in the market?—It would form an element in ascertaining the value, but I do not think it would be fair to the landlord to pay that.

4650. You have mentioned the name of Mr. Chambre. Are you aware there ever had been any instance on his property of any dispossession of his tenants, or of any severity?—I believe the property is very high rented.

4651. Had there been any case of eviction of any tenant?—I do not know of my own knowledge.

4652. With regard to the case of tenants purchasing, is there not a great disposition in the Irish tenant to have a tenant under him?—I think there is. They are very anxious to sublet.

4653. You have stated that it is important, with regard to property, always to have some person in a condition to make a beneficial lease?—Yes.

4654. Would you not think it very desirable to carry out the improvements of the soil of Ireland by way of contract, if possible; that is, that there should be two parties contracting,

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by way of lease, rather than let to tenants at will?—Decidedly.

4655. Would not that be more like your own analogy, which you were putting, of the sale of any commodity?—Yes.

4656. You would leave the two parties as free as possible?—Yes.

4657. Mr. *Bright.*] In answer to a question which was put to you in a former part of your examination, you proposed to state something with regard to the cessation of crime after the attempt to murder Mr. Chambre. Will you return to that subject?—I stated before that one great encouragement to agrarian outrages was their success, and the fact of its being impossible, or nearly impossible, to detect any person, and that no person had yet been convicted of any of those crimes. Up to the attempt to murder Mr. Chambre, the expenditure for the extra police which was placed in these districts was remitted to the Constabulary Office in Dublin, was again sent down to the Road Session, and levied as a part of the county cess by the ordinary collector of the county cess. The people of the disturbed district refused to pay him, conceiving that they had no right to pay. A meeting was held of magistrates, who recommended the then existing Government to order the police to collect their own rate, and to collect it quarterly, and that had decidedly the effect of stopping the spread of combination and the spread of outrage. I know it of my own knowledge, because I had occasion to address the people of my own neighbourhood on the subject, and I pointed this out to them; and although I was not by any means popular with them before, when they saw the effect that the commission of agrarian outrage in our parish was likely to produce, by extending the constabulary, and by adding a very increased expenditure, they became conservators of the public peace themselves; and therefore I do attribute the lull to this cause, at least in the parish of Keady.

4658. Mr. *Caulfield.*] Have you not heard, that the present cessation of outrage has been caused, in a great measure, by the secret orders of the Ribbon Society?—I have not; but it may be so.

4659. *Chairman.*] Was not that rate levied under the Act for proclaiming districts?—Yes.

4660. Would you think it advisable that that Act should be continued?—Yes.

4661. You have generally attended at the assizes at Armagh?—Yes.

4662. Have

4662. Have you observed a difference in the class of jurors who attend the two courts?—I have.

4663. Do you think it is a wise administration of the law, to have an inferior class of jurors attending the Criminal Court?—I do not.

4664. Is it your opinion that the questions which arise in the Criminal Court, frequently require the exercise of a good deal of intelligence on the part of the jurors?—Decidedly; both intelligence and impartiality.

4665. Would you think it a desirable change in the law, to have one panel of jurors summoned for the assizes, who might be called either in one court or the other?—I should think it would be.

4666. Were you aware, in the course of your duties as a magistrate, of a law about catching persons with Ribbon papers in their possession?—Yes.

4667. Has your attention ever been called to the circumstance that that law has been repealed?—The police have repeatedly complained to me, that since the repeal or the lapsing of the Act, they have not the same power to arrest Ribbonmen as they formerly had. I know no more of it than that.

4668. Where the police get information, as they sometimes do, of Ribbonmen sitting in lodges or houses, does it not appear to you, as a magistrate, to be important that there should be every facility, where they get hold of men with papers containing passwords in their possession, to convict them of the offence?—Yes.

4669. Have you observed, in the administration of justice, a good deal of difficulty, from the intimidation produced by the Ribbon Society?—Yes.

4670. Does that interfere with all the stages, both of getting up evidence at first, and afterwards in bringing parties to justice?—I think it interferes very particularly with the getting up of evidence.

4671. Has it also some effect on jurors?—I should think so; but I do not know that of my own knowledge.

4672. Would not jurors, living in a country district, be liable themselves, or through their families, to be acted on by undue influence?—It is human nature to expect that they would.

4673. You have already observed that the people speculate a good deal on the success of disobedience to the law?—Yes.

4674. Would not any confidence they have in impunity for these Ribbon crimes, tend very much to strengthen that confederacy?—

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federacy?—Decidedly; but I think the first thing to be done is, to convince the people that the law is just, and then firmly to enforce obedience to it.

4675. Suppose attention were given by the Legislature to try to get the law on as correct a footing as possible, accompanied with a firm and steady execution of the law to put down crimes, would you then have every hope of getting the country round by degrees?—Yes, I should have every hope of it; I should have no fear whatever that the agricultural interest, if placed on a proper footing, would be very long in its present depressed state. I am quite satisfied that the increased intercourse, the increased prices for certain portions of agricultural produce, will very soon compensate, and perhaps more than compensate, the small farmer for the loss he may sustain by any inability to grow wheat profitably.

4676. When he gets an increased market, will it not be a great advantage to improve the intercourse with market towns?—The increased facility of intercourse with this country enables them to sell their butter fresh every week, and enables them to get a better price for fowls, eggs, and a great many other things which the smaller farmers are peculiarly fitted for producing.

4677. Do you think it would take the place, in many instances, of the potato?—I fear not. I cannot conceive the possibility of a small farmer paying a high rent without the potato. In point of fact, the potato was the pioneer of cultivation in the North of Ireland, because it would grow in almost any land; and the cultivation of it, in the manner in which it was done, was absolutely a scientific improvement of the land.

4678. In cases where the administration of justice is seriously interfered with by intimidation, would you think it a desirable power to give to the Court of Queen's Bench to order a trial to take place in some other locality?—Decidedly.

4679. Do you think that the knowledge the people would have of the possession of that power by the Court of Queen's Bench, would tend to diminish their confidence in impunity for crime?—It is most likely that it would.

4680. And that that, accompanied with any wise change in the law, so as to show the disposition of Government to act justly by them, as well as firmly, would probably bring things round by slow degrees?—Decidedly.

4681. Mr. *H. Drummond.*] You were asked respecting the Orange Society, and you said that you thought the Ribbon Society

Society had its origin, or at all events its continuance, as a counter-society to the Orange Society?—Yes, there is that party spirit which has been the bane of our country.

4682. Is there not this difference, that the Orange Society is not a secret society, and that the Ribbon Society is a secret society?—I think so.

4683. Is it not also a fact, that the Orange Society is composed exclusively of Protestants, and that the Ribbon Society is composed exclusively of Roman-catholics?—I believe so.

4684. Is it not true also, that members of the Ribbon Society have been convicted of many agrarian outrages, whereas members of the Orange Society have not been accused of any such outrages?—I believe so.

4685. You have stated that a change in the law would be desirable for Ireland, as far as relates to the question between landlord and tenant; why should the law in Ireland be different from what it is in England?—Because in Ireland the tenants have made all the improvements on the land.

4686. Why does that necessitate a change in the law?—If the tenant has made improvements on the land, and he is evicted from the land, and those improvements become the property of the landlord without compensation, I conceive injustice to be done to the tenant.

4687. Suppose I give a man a piece of land, and he chooses to build anything he pleases upon it, there is nothing to prevent me turning him out whenever I like, supposing he has no lease?—Nothing.

4688. As it is not necessary in this country to have a law on that subject, why should you have one in Ireland?—If English landlords always act justly, of course there is no necessity for a law. I admit that if a man always does what is good, and honest, and upright, he needs no law; but it is because I know that very many cases of great hardship do occur, and have occurred, and I have stated one or two to-day; that is the reason I think the tenant should be protected by law.

4689. Why cannot the landlord and the tenant make arrangements between themselves, without any alteration by an Act of Parliament?—The tenant has not the power of protecting himself, because the tenant must do whatever the landlord directs him to do; as the law now exists, it is entirely in favour of the landlord.

4690. Why is it more in favour of the landlord than it is in

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in this country?—Because the one makes the improvement and the other does not.

4691. Why cannot an Irish landlord act as an English landlord does? and why cannot an Irish tenant act as an English tenant does?—There is no reason why they cannot, but the fact is they do not.

4692. Why is a law on the subject necessary?—If persons do not do it, it follows, as a matter of course, that the law should interfere to prevent it; and as I stated before, the matter has become a question of Imperial necessity, and it is no longer an Irish question. You are sending away thousands of persons every year from our shores, a thing unexampled in the history of nations. Why? Simply because the people cannot live in their native land as they can in another.

4693. Supposing you have a population of a hundred families, and you have a law which will put those 100 families in possession of the land which they now occupy as tenants, in the course of 20 years they will multiply five times. How do you propose to provide for that increase of population?—I would employ them in manufactures. That is the case in this country. The agricultural population migrate to the manufacturing districts, or to the mining districts, or to the potteries.

4694. You stated the adoption lately of a system of draining as among the improvements to be compensated. Can you state in how many years the effect of draining is such as wholly to repay the outlay?—I cannot, because the first draining was imperfect in its character. The present system of drainage is said to be also imperfect in its character, and that we are yet at sea upon the subject of drainage.

4695. I have seen in Scotland land on which the produce has so greatly increased as wholly to repay the expense in two years. Do you know an instance of that sort in Ireland?—I do not. I know I have drained all my farm precisely on the Deanstone principle. I have drained about 60 acres on the principle laid down by Mr. Smith, of Deanstone; and a friend of mine went over it the other day, and he said that I must adopt some new plan, which, I think, is two feet deeper.

4696. What depth do you drain?—Thirty-two inches.

4697. What is the proportion, on an Irish estate, which is generally deducted for management; that is to say, supposing the gross rent is 5,000 *l.* a year, what is the net income which comes into the landlord's pocket?—I am not aware of any expense

expense on the estate, except the charges for the agent's fees, who receives the rent, and the charges of the bailiff or other servant under him, and the stamp duties on the receipts.

4698. Are there no expenses for repairs of buildings?—No, they never repair any.

4699. Sir *J. Young.*] Is that answer meant to apply generally to the whole of Ireland?—I am speaking of my own neighbourhood.

4700. Mr. *H. Drummond.*] You have spoken of the disadvantage of the non-residence of the landlords, and you have spoken also upon some questions of political economy. You are aware, no doubt, that Mr. M'Culloch, the Edinburgh Review, and a large number of political economists, have always maintained that estates are far better managed where there are no resident landlords; is that your opinion?—It certainly is not my opinion, and I have practical knowledge to the contrary. The late Lord Caledon was a resident landlord, and any person who goes and looks at his estate will see the difference.

4701. Will there not be always a great competition, not only for land, but for all the means of subsistence, where there is a great population?—Certainly, and that is the reason why this becomes necessary.

4702. But would not the same pressure arise after a very few years, even supposing the plan you have recommended were adopted?—Perhaps there would be an increase in the price of the land, and the plan that I recommend would give the landowner all the benefit of that price. There would be a competition for land, and consequently an increase of price.

4703. You have stated that the competition at present for land is so great, that the tenants are ready to offer more rent for the land than the land is really worth?—I am not aware that I have made that statement.

4704. You think that the rents must be reduced now, for that the people cannot live at the present price of the produce?—I think they cannot.

4705. Then after all, it will turn upon what is the price of the produce of land, whenever the population shall have increased again?—Yes.

4706. Therefore, in point of fact, the remedy is merely a temporary one?—It is a permanent remedy; because when a man has a right to leave the land, if he is a tenant at will, and get compensation for any improvement which he has made upon it, he will go on improving; and if he finds he cannot pay the rent, he will give it up. In like manner, if a landlord finds

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finds that he can get a better price, he can turn the man out and pay him compensation, without doing him the slightest injustice. I want to make the law just, in the hope that if once it is made just, it will be implicitly obeyed; and, moreover, I think that by doing so, we not merely secure the interest of the tenant, but that ultimately we are doing the best thing which is possible for the landlord.

4707. Then you consider the present law in England as unjust?—The present law in Ireland is unjust.

4708. Is not the law the same in both countries?—Yes, there is the same law. I have often remarked, that a law which works in England, does not work well in Ireland.

4709. Is not that the fault of the workers, and not of the law?—Perhaps so; but you find persons in a particular state, and you make a particular law to meet the difficulty.

4710. Sir *J. Young*.] What is the size of the holdings about Keady?—From three acres to 15 acres or 12 acres.

4711. Is the largest holding about 30 acres?—There are some of 40 acres, but not many.

4712. Is the average about five acres?—I suppose about five or six Irish acres.

4713. That is about eight statute acres?—Yes.

4714. You suppose there can be no comparison between the class of peasantry or small farmers, and the class who are called farmers in England?—No; there is no comparison between them.

4715. Is it a fact, that the classes bearing the same names are totally different?—Yes. I have used the words small farmers in every case.

4716. Mr. *H. Drummond*.] You were asked, whether it was possible for land to be fairly disposed of, and used to the best possible advantage, so long as they had burdens upon them of various kinds?—Yes.

4717. Supposing that your water power were settled on some branch of your family, that your mills were mortgaged to somebody else, that in your flax somebody else had an interest, that in the bleaching ground some fourth person had an interest, would not they be just in the same situation that the estates of the landlords are in?—I cannot conceive of chattel property, such as flax or machinery, or anything of that kind, any person having a lien upon them, except the sheriff of the county taking them in execution. It was with that view that I gave the answer. If the sheriff of the county has them in his possession, they are his.

4718. Then is it not a fallacy to speak of a landed proprietor

tor as the owner of land, when, in point of fact, he has already parted with it to hundreds of relations on various settlements, and so forth, and he himself has nothing but the usufruct of a portion?—That is, to my mind, a most extraordinary question. He is the owner, as far as I know anything of it.

4719. Mr. *Goold.*] Is he the real owner or the nominal owner?—He is the nominal owner.

4720. Mr. *H. Drummond.*] The transfer of land from a nominal landlord to a tenant cannot be so simple a transaction as the transfer, to which you referred in a former answer, of your linen to a purchaser?—It cannot.

4721. Not only must the nominal owner convey, but all the persons who had a prior lien in that land must join in the conveyance?—Certainly.

4722. And all their interests must be represented, which would of course increase the expense of the conveyance?—Yes; I think I stated in a former answer, that there was great difficulty and great expense in procuring a title.

4723. You did not state the reason for it?—No, I did not.

4724. The same thing occurs with respect to legacy duty, for in a great number of instances a landowner does not leave his estate, but has parted with it during his lifetime; is not that a fact?—Yes.

4725. Then when any land in that condition comes for sale, must there not have been a vast quantity of expense, which does not apply to chattel property?—Many estates are encumbered by marriage settlements, by provisions for younger children, by mortgages, and by a variety of acts in the law; and of course those are all matters of great expense both to create and to wipe off.

4726. Would not the expense of conveying a small portion of land being so very great, account for the fact which you have stated, of so very small a quantity of land having ever come into the market for sale?—No, I do not think that would be so; I think the land has not been in the market; there is such an anxiety to obtain possession of land, that persons would get over that difficulty.

4727. Are you not aware that the expense of conveying a small portion of land under those circumstances would be just as great as that of conveying an estate of 5,000*l.* a year?—I do not know that it would be as great; but I know that I paid myself for the renewal of my own lease, which in the first instance was 33 acres, 28*l.*

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4728. Mr. *Goold.*] How many years ago?—I suppose 20 years ago; and I have the same thing to do every 20 years.

4729. Mr. *Solicitor-General for Ireland.*] That included the stamp?—Yes; it had to be submitted to a lawyer; there was his fee, and the attorneys on each side, and their fees: and there was the cost of the rough draft, and the cost of the engrossment, and the cost of the stamp, and a whole host of things.

4730. You did not mean to suggest to the Committee that you would propose any law to compel a man to make a lease of his property when he did not wish to do so?—No.

4731. You selected three subjects as, in your opinion, the cause of crime, into which the Committee are inquiring, namely, the relation of landlord and tenant, the execution of civil bill decrees, and the party spirit from difference of religion?—Yes.

4732. Are you aware that a Committee of the House of Commons last session inquired into the subject of the execution of civil decrees, in revising the laws which regulated the County Courts in Ireland?—I am not.

4733. And that they inquired into the very subject about which you have given evidence, namely, the possibility of altering the mode of executing the decrees?—I am not. I assure you, with very great respect, that I wish to leave an impression on he Committee that it is a fruitful source of discord and contention between all classes of the community. I feel it deeply.

4734. Are you aware that the evidence of assistant barristers and attorneys, and others, was laid before the Committee, that if the process to recover the poor man's debt were put into the hands of a local bailiff, accompanied by anybody acting on the part of the creditor, he would never get paid, and that it would be a scene of cheating and collusion?—That is what I have just been saying.

4735. And that therefore the party himself is allowed, in a certain way, to execute the process of the sheriff, and appoint his own bailiff. Your proposition would be that bailiffs should be appointed by law? —Clearly.

4736. In speaking of the party spirit arising from religious differences, do you allude to Orangeism?—Yes.

4737. Has not the Legislature of England dealt with party processions and with Orangeism by positive law?—Decidedly, of late.

4738. Has it not put down processions?—Yes.

4739. Has that law, generally speaking, been obeyed in the north

north of Ireland by Orangemen?—Pretty generally. There was an Orange procession in which a man was killed about a fortnight ago.

4740. Did not the jury find in that case that the policeman, who fired at the Orangeman, fired imprudently?—Yes.

4741. Generally over the north of Ireland, has that law been obeyed?—It has.

4742. At the same time, has Ribbonism been more rampant than ever latterly?—The Ribbonism of the present day is not the kind of Ribbonism I alluded to as being antagonistic to Orangeism.

4743. However Ribbonism may differ, according to your former explanation, from what it once was, has it ever been worse than it has latterly been in what are called the disturbed districts?—I believe not.

4744. Both Orangemen and Ribbonmen (although I object to their being classed together) pay the same rent, live in the same country, cultivate the same ground, and suffer the same grievances, as far as rent and land are concerned?—Yes.

4745. Can you state to the Committee one single instance in Armagh, or Monaghan, or Louth, within your recollection, of an Orangeman being arrested or prosecuted for one of these crimes upon which the Committee are inquiring?—I cannot.

4746. Were you ever present at a trial for an agrarian outrage, where a man has sworn, that having no cause of enmity against his fellow-creature, but that being commanded by a society or a body of persons, he has gone out to kill him?—Yes.

4747. Can you conceive anything more dreadful?—No.

4748. Or even more astonishing in a case where he is not the tenant or the aggrieved person?—No.

4749. Do not you ascribe that act to the influence of the Ribbon Society operating on his mind and his actions?—Decidedly.

4750. You have put two instances, and one of them a very strong instance, to the Committee, and it cannot fail to be remembered, that the case of the gentleman near Armagh, who was aggrieved in the way you mentioned, was a very peculiar case. You will admit that he had a very peculiar landlord?—Yes; he is a peculiar landlord, but that is no excuse for injustice.

4751. Is there not about Caledon, and that district of country, a good deal of industry, comfort, and decency in the people, as compared with the south or the west of Ireland?—I believe so; I have never been in the south of Ireland.

4752. Have

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4752. Have you heard that there is no tenant-right practised in the south as known in the north of Ireland?—I have.

4753. Is there not on the Caledon estate a great deal of attention paid to the tenants?—Yes.

4754. And on the Charlemont estate?—Yes.

4755. And on the Gosford estate?—Yes.

4756. And many others which might be mentioned?—Yes.

4757. Have you ever gone up far north into the neighbourhood of Belfast?—I am a native of Antrim.

4758. Is there not, in many parts of Antrim, as much comfort, civilization, and apparent happiness in the people, as in many parts of England?—I think there is.

4759. Do you know that in some of the best parts of Antrim this thing called Ribbonism has at times appeared?—It has, I believe.

4760. You admit that the change of price consequent on the sudden and unconditional repeal of the corn laws, and the famine, produced a total change in the condition of the land, and of the owners and occupiers of land?—Decidedly.

4761. And that the rent payable by contracts before those events occurred, it was no longer fair on the part of the landlord to demand, or possible on the part of the tenant to pay?—No.

4762. You will admit that, as far as you have seen, the judges at quarter sessions are just and fair?—Yes.

4763. And that the superior judges are above all impeachment?—They are above all impeachment.

4764. Have you not, even in your own experience of business, found that with the best intention and the greatest desire to deal with those about you, you have sometimes met with great difficulty?—Very great difficulty.

4765. Arising from a cause that need not, perhaps, be inquired into?—Yes.

4766. You have found those difficulties?—Yes; I do not believe in any man's infallibility.

4767. When you speak of persons under disability, like minors and persons in that class, you think there ought to be some power to make a proper agreement in their behalf?—Yes.

4768. So as to give the tenant that which he might fairly expect to have, namely, a lease or agreement for a given term?—Yes; upon which he could make improvements of a permanent character.

4769. You think he ought to have compensation for improvements?—I do.

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4770. Mr. *Caulfield.*] Although some landlords may be too exacting in their rents, and careless about their tenants, is it not the case that upon the greater number of properties that you know the contrary is the course which is adopted?—It is.

4771. On the large estates?—It is.

4772. Is it not a fact, that on many estates no evictions and no seizures for rent have ever taken place, within your knowledge?—I believe so.

4773. You never heard of any such proceedings having taken place?—No.

4774. Do you know it to be the case, that since the recent height to which Ribbonism has proceeded, tenants on those estates have been intimidated, and prevented from the due fulfilment of their rent payments?—I believe so.

4775. Do you attribute that to the influence of the Ribbon Society?—To the terrorism which is exercised over them.

4776. To a terrorism excited by parties not belonging to that property?—Yes, so far as I know.

4777. You have stated that reductions of rent have led to further demands in many cases?—Yes, in some cases.

4778. Do you think that the agitation which has been kept up recently, for obtaining legislation in the shape of tenant right, has induced many respectable and well-disposed tenants to hold back from fulfilling their engagements?—I do not think that the Tenant League has benefited the country, but I do believe there is a deep-felt and wide-spread feeling of the necessity of legislation on this subject, and that nothing but legislation will satisfy the people.

4779. In your opinion, have the speeches which have been made at meetings of the Tenant League Association, and which have been reproduced and printed, had a salutary or a baneful influence on the moral condition of the people with regard to crime and outrage?—I think there have been many inflammatory speeches made, which have certainly, to some extent, had a baneful influence on the morals of the people, and have certainly very much increased the difficulty of coming to a right conclusion between landlord and tenant. I also think that it is the interest of the landlord, quite as much as the interest of the tenant, that something should be speedily done. I cannot help coming to that conclusion from all I see around me.

4780. But do not you think that Ribbonism, as at present existing in the country, is a great obstacle to any fair dealing and good understanding between landlord and tenant?—No

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doubt, but we should not examine too closely the speeches of men who conceive they are oppressed ; so far as I know or have ever heard, the leaders of the Tenant League condemn agrarian outrage as the greatest possible injury to their cause.

Veneris, 14° *die Maii*, 1852.

MEMBERS PRESENT.

Mr. H. Drummond.
Mr. Goold.
Mr. Fortescue.
Mr. Scully.
Mr. Bright.
Mr. O'Flaherty.
Lord Naas.
Mr. Solicitor-General for Ireland.
Sir W. Somerville.
Sir John Young.
Mr. Caulfield.
Mr. Hatchell.

THE ATTORNEY-GENERAL FOR IRELAND, IN THE CHAIR.

Sir *Matthew Barrington*, Bart., called in; and Examined.

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4781. Mr. *Goold.*] WHAT office do you hold?—Crown Solicitor for the Munster circuit.

4782. Is that the largest circuit in Ireland?—It is.

4783. How long have you held that office?—About 36 years.

4784. During that time have you known the south of Ireland subject to periodical disturbances?—Constantly, up to a late period.

4785. Were the outrages of an agrarian character?—Yes.

4786. Can you assign any one cause generally as the origin of those disturbances?—While land was a necessary of life, there was a struggle for it to the death, and, of course, agrarian outrage was very prevalent. Latterly, since competition for land has very much ceased, agrarian outrage has also much lessened on the Munster circuit.

4787. What remedies have been applied to the state of agrarian outrage?—The Insurrection Act for a considerable period,

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period, and special commissions. I was opposed to the Insurrection Act; for I always had an opinion that the ordinary law, vigorously and well administered, was the most effectual remedy for suppressing disturbances.

4788. Have you had considerable experience in the administration of the insurrection Act?—I know little of the administration of the Insurrection Act; but I know that it was in force from 1807 to 1810; from 1814 to 1817; from 1822 to 1825; and again till 1828.

4789. Have you conducted many special commissions?—I have. I conducted one in 1816, another in 1821, another in 1822, another in 1828, another in 1831, and another in 1848.

4790. Mr. *Bright.*] Were all those special commissions appointed to try cases in the province of Munster?—My circuit does not consist altogether of the province of Munster, but of a great portion of it.

4791. Can you state at what places the commission sat on each of those occasions?—I can, and also the general cause of the crimes. For instance, the first commission that I conducted was in 1816, and the principal case was the murders of a man of the name of Dillon and his wife.

4792. Mr. *Scully.*] In what county?—Limerick. There had been a prosecution at the previous assizes for threatening notices to compel them to quit their land; and a party came at night and murdered them both. I believe there were 11 or 13 people executed for it; and from that murder the disturbances spread, as it always is infectious, beginning in one part, and going on until it extends through a county. The next commission was in 1821, and the outrages at that period were entirely conducted by a man of the name of Paddy Dillane. He was called Captain Rock. The origin of that disturbance was this: After the peace a gentleman went from England to Ireland as Lord Courtney's agent, and he wished to enforce the covenants in leases; the tenants having the benefit of those covenants during the war, he thought the landlord ought to have the benefit of them during the peace.

4793. Mr. *Goold.*] When the prices fell?—Yes. I told him that it would lead to agrarian outrage; he did not mind me, but persevered, and brought a great number of ejectments. Captain Rock formed a party, and hired them at 2*s.* 6*d.* each to shoot him; and failing to meet him, they shot his son, a fine little boy, whom they met on the road coming home from shooting. That spread down to Kerry and into Cork, and Cork was almost in a state of rebellion at that time. By an

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effectual prosecution of the special commission in Limerick and Cork, Cork has been as quiet from that period to the present time as Yorkshire, with the exception of the portion of it which bounds Limerick and Tipperary.

4794. Was the Devon property on which those outrages originated very extensive in those days?—Very large; many miles in length.

4795. Mr. *Bright.*] Does it now contain from 30,000 to 40,000 acres?—Yes, but it was nearly double at that time. It was a part of the great Desmond estate, which had been granted to an ancestor of the family by Queen Elizabeth.

4796. Mr. *Goold.*] Was it, in point of fact, a principality at the time to which you are alluding?—Yes; many thousand acres of it had been sold.

4797. Mr. *Bright.*] Were there many executions at the commission of 1821?—A great many in Cork, and a good many in Limerick.

4798. Can you state how many?—No; there were a great number in Cork. The present Lord Plunket and the late Solicitor-general Joy were the counsel who went down.

4799. Mr. *Goold.*] When was the next special commission?—The next special commission was in 1828, and it was confined to one spot in the county of Cork, and was very well known in Parliament as the Doneraile Conspiracy. Mr. O'Connell made various motions respecting it in the House at the time, when he and the late Judge Doherty were in Parliament, upon a discussion about some men whom he thought had been wrongly convicted. It was confined to that small district in Cork. At that time tithes were collected, not in rent-charges, but through proctors; and that was the origin of that disturbance.

4800. Mr. *Bright.*] Were there any executions in consequence of that disturbance?—No. The next commission was one which is very well known in Clare and Limerick, in the year 1831. At the time of the Reform Bill Parliament was suddenly dissolved, and there was a great desire on the part of the gentlemen of the county of Clare to get an Insurrection Act. The country was in such a state at the time, that they thought nothing would cure the disturbance but an Insurrection Act.

4801. Mr. *Fortescue.*] What was that disturbance?—The whole of the disturbance of 1831 arose from the want of potato ground. The gentlemen of the country were turning the land into grass land, and the people wanted potato land. The crime was, going in large parties of many hundreds, and turning

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ing up whole fields of land, and so much so, that the fences were levelled for many miles through the country. I suppose, from Ennis to Gort, there was not a gentleman's demesne where the walls were not levelled, and the cattle straying through the country.

4802. Were they the Terry Alts?—Yes, and Lady Clares. The late Lord Grey sent for me, to consider what was the best course to be taken at that time, and I recommended a special commission. A special commission was issued; we tried no capital offences, but transportable offences, and transported the men from the dock. The effect was such, that without having a single capital conviction, from that day until the year 1848, Clare was perfectly quiet.

4803. Mr. *Bright.*] When you say "transported from the dock," what do you mean?—They were not allowed to go back to gaol. There were cars at the door, and they were taken away directly, for the purpose of striking terror by immediate punishment after conviction, which I think is so very desirable.

4804. Mr. *Fortescue.*] What were the principal provisions of the old Insurrection Act?—The old Insurrection Act was to prevent persons being out at night, and for domiciliary visits.

4805. *Chairman.*] Was that the Act of 1816?—Yes. The Acts were all very much alike, but they were at an end in 1828; and there has been no Insurrection Act of that character since 1828. The effect of the Clare Special Commission was so great, that I was desired by the present Lord Derby to amend the Whiteboy Act to a certain extent, which I did; and I drew the Act of the 1 & 2 Will. 4, c. 44, by which the punishment of death was partially abolished in Whiteboy offences. I had strongly urged that the whole of the Whiteboy code should be embodied in one Act, and that the punishment of death should be abolished. To have the punishment of death by one Act, transportation by another, and imprisonment by a third, for the same offence, is absurd.

4806. Mr. *Bright.*] Does the fate of the criminal depend on the Act under which he is prosecuted?—Just so.

4807. That is the state of things now?—Yes. The disturbances in 1831 originated with four brothers; three of them were executed afterwards for a murder, for at the special commission we only tried for transportable offences. At the next assizes, when the country was quieter, we tried murder cases; and there were four brothers tried, of the name of Casey; three of them were executed, and the effect was such

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that the disturbances ceased in Clare. The next special commission was in 1848. The whole disturbance, at that time, originated with a man of the name of Ryan Puck. A relation of his, of the name of Kelly, was joined in a farm with another Kelly, on Sir George Molineux's estate. They had a dispute about the possession of a piece of land; and his relation, Ryan Puck, went to the house of the other, and murdered him; he was a notorious assassin; he was employed by a man of the name of Crowe, who was an under-bailiff on Mr. Arthur's estate in Clare, to murder the agent of the estate, Mr. Watson. He shot Mr. Watson. Ryan Puck was executed, and Crowe also, who hired him, was executed as a conspirator. That put an end to the disturbances in 1848. There were other crimes, the causes of which I could detail. There was a man of the name of Frewin, who it was said hired Ryan Puck to murder a man, in consequence of a dispute about a bit of bog. When once a disturbance arises in the country, no matter what may be the cause of the animosity, people are employed to commit outrage on the person to whom there is hostility.

4808. *Chairman.*] What was the general character of the crimes?—The driver had an hostility to the agent of the estate, and he employed this assassin to shoot the agent. In the other case, the two relations had a dispute about the land, and a man is got to shoot one of them.

4809. Mr. *Bright.*] Were they brothers or relations?—Relations. The next case was Frewin's; he had an hostility to a man of the name of Ryan about a bit of bog, and it was said he employed Ryan Puck to shoot Ryan; and that was the cause of the outrage. This brother was convicted as a harbourer. It was the first conviction of a harbourer; that is a man harbouring an assassin. He was convicted and transported; and his brother, who was concerned in a murder, was hung.

4810. Mr. *H. Drummond.*] Do you mean that assassins are always to be hired in any part of Ireland?—I do not say that they are always to be hired; but whenever a disturbance existed at that time it was notorious that you could have got, in the country on the borders of Clare, Tipperary, and Limerick, and that district, not extending to other parts of those counties, a man shot for 5 *l.*

4811. Mr. *Fortescue.*] Was there a spirit of disaffection in those districts, of which those individuals availed themselves for their own purposes?—Yes; when once agrarian outrage commences

commences in a district, you cannot tell where it will extend to, or what are the causes of the outrage.

4812. Mr. *Goold.*] And does any one who has a grievance easily get rid of that grievance?—He easily gets an instrument to avenge him.

4813. You have stated that these cases of agrarian outrage were connected with land. Do you mean that in the province of Munster they arose from high rents?—No; I do not think that in general rents are so much the cause of outrage. For instance, at the last assizes we had a very bad case of outrage, and it arose from indulgence. It was a case of Lord Cloncurry. He had a mountain farm, which he had set at 130*l.* a year I think; he is considered a very good landlord; he reduced the rent to 90*l.* a year; there were five years' rent due to him. He was obliged to bring an ejectment; and the dispossessed tenants formed a party in Tipperary, and declared that nobody should bid for the land. He did not like to risk the putting in a new tenant, who might perhaps be murdered. It was a wild district; and he said he would only take in graziers. There were graziers taken in, and thirty head of cattle, and horses and mares. I heard the outrage described; it was a beastly and fiendish thing. Large iron rods were got and put up into the bearings of some of those animals, crying out at the same time, "That is the way we bull heifers in this country." We had a very effectual prosecution of seven of the gang; they were transported at the last assizes; and that outrage originated in the indulgence of Lord Cloncurry, in allowing five years' rent to be due and then dispossessing the tenants.

4814. Mr. *Bright.*] Was what you call the "indulgence" of Lord Cloncurry, exceedingly bad management of the property?—Certainly.

4815. Mr. *Fortescue.*] Do you think that change of tenancy is more likely to produce outrage than high rent?—I do. As I mentioned, while land was a necessary of life, there was a struggle to the death for the possession of it. Any rent would be bid for a farm a few years ago, and it was no matter what rent was put on a farm; hence it was that rents were very often bid, far beyond the value of the farms in many instances. Since competition has very much ceased by emigration, and having support in the poorhouse, the competition for land has ceased; and we have very little agrarian outrage. From 1816 to 1842 we constantly had agrarian outrages; they have been gradually ceasing since; and at the last assizes in Munster we had scarcely a case,

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except the one which I mentioned, which I could call an agrarian outrage.

4816. Mr. *Bright.*] Does it appear to you that the law of distraint for rent has very much tended to continue that system of allowing tenants to come on lands, promising to pay impossible rents? Supposing there had been no power of obtaining payment of rent beyond what there is of obtaining payment of any debt, do not you conceive that landlords would have been more interested in having respectable tenants who could pay the rent they had contracted to pay, rather than in taking tenants who promised to pay a rent which could not be made from the land?—I do not know that it would, if the remedy of ejectment were left. If you have the ejectment remedy left, it would lead more to outrage than distress.

4817. The remedy of ejectment merely would not allow the landlord to seize what was on the land, leaving other creditors unpaid, as the law of distress does?—That seldom happens. I know of very few instances of outrage happening from distress, because if you distrain, it must be upon a solvent man; but the outrages are, in general, with the lowest orders of the people, and they are not persons who have anything to be distrained upon. No man would go to distrain on the property of an unfortunate peasant, who has not in his cabin as much as would pay the costs of the distress.

4818. Taking the general statement that you have made, that whilst there was great competition for land any rent was promised, although it was morally certain that the land could not be made to produce it, does not the existence of the law of distress give to landlords an inducement to accept tenants who promise those great rents, instead of their seeking solvent tenants who will contract to pay what is reasonable, and who will pay the rent which they contract to pay?—I cannot say that; I do not think that landlords in general look to the highest rent, but they look to good tenants. I was alluding to a more distant period. It was rather what we call in Ireland middlemen, who caused very much the agrarian outrages. I do not think it extended to the large farmers and the landlords, as you would consider them in England.

4819. Mr. *Fortescue.*] You are speaking of the cottier tenants?—Of the lowest class of cottier tenants.

4820. Mr. *Bright.*] The commissions you have referred to were in your own district?—Yes.

4821. Mr. *Goold.*] In conducting those special commissions, did you find it unusual for jurors to do their duty?—No; we never had the slightest difficulty with jurors in Munster, because

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because wherever a disturbance took place in the south of Ireland, the first class of men in the county all attended and did their duty at assizes. When the country is perfectly tranquil a different class of jurors attend, and the burden is thrown on the poorer class of people; and so much so, that it is a strange anomaly, that in the county of Cork the best class of jurors, and the very worst very often, are the jurors who have to try the cases. When the country is perfectly peaceable the very worst class of people—I mean the lowest, not the worst in character—are scarcely able to attend. I have known instances, even within the last year, of jurors complaining to the judge, and asking whether they would get their costs of their lodging in such a county as Cork, when during the special commission of 1821, the leading men of the whole county attended on the petty juries.

4822. Mr. *Bright.*] What was the cause of this?—Not having the jury panel rightly framed.

4823. Mr. *Goold.*] Would you suggest an alteration in the jury panel, as an improvement of the present system?—I would; I would have the jury panel consist of every man qualified to serve on a jury in the county. I do not go into the details of how that could be done, but there is no difficulty in suggesting means of doing it. Every man who was qualified as a freeholder, or as paying rates, or in any other way, I would have on the jury list; and then according to the size of the county, as it is with special juries under the English Act, I would take the men according to their rank and station, to the amount of from 300 to 500, as the jury list for the assizes.

4824. *Chairman.*] Would you have one jury panel for both courts?—Yes. The present mode is quite absurd. You have a panel consisting perhaps of 150 or 200 persons; you first take out of that 23 grand jurors, you then take out of it 60 men for nisi prius trials; the consequence is, that if you take 83 men of the residents in any county, you have no jury fit to try an important criminal case.

4825. Would those 83 be persons of the highest station?—Yes. I have struggled so much against that, that although I have heard some of the judges desiring the sheriff at the next assizes to have a separate panel, I have said that I would take the responsibility of having one panel; and in Munster we always have one; and the way we do it is this: if there is an important trial we will not let the nisi prius business commence until we have had the panel called in the Crown Court. The consequence is, that after you have gone through the

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Crown panel the gentlemen retire into the other court to serve on the record jury.

4826. The sheriff of Louth suggested that the only inconvenience of that system was from the jurors not knowing which court to go to?—There is no difficulty in that, for all the courts adjoin each other, and if they do not call the juries simultaneously in both courts there is no difficulty. The way we do it is, we call the Crown panel in one court, and we give notice in the next court that it is being called; and the moment that is over the gentlemen get notice to go into the Record Court.

4827. Mr. *Bright.*] Would the number whom you would draw of the higher class depend on the whole number in the county?—Entirely, and on the size of the county. It is a very hard case in some counties to have 12 or 15 men perpetually serving for all cases; but then I would never have the whole of the panel called over unless there was some previous notice. Supposing a notice of three days or six days was given that a long panel would be required, if not so required, I would take the ordinary mode of selecting 40 or 50 for common trials.

4828. On the list do the names appear alphabetically?—No; they appear on the list according to their station and rank in the county.

4829. Mr. *Fortescue.*] And property?—Yes, as nearly as the sheriff can place them.

4830. Mr. *Bright.*] Taking 100 men in any one county in Ireland, what probability is there that any one of those will be on a jury; are they balloted for in some way?—No; they are taken according to their income and position; as for instance, men who are supposed to have 500 *l.* a year are placed first on the panel, those who have 300 *l.* a year next, and those who have 200 *l.* a year next, and so on.

4831. Is it expected that every man on the jury list in the county of Cork should attend at the Cork assizes?—No; I would take from the head of the panel a certain number for important trials, and you may suppose that on the county list of Cork there would be 4,000.

4832. How do you select the men whom you really want out of the 4,000?—I would take the most respectable men; and it is a relief to poor people, who are qualified as jurors, not to be compelled to go 60 miles to an assize town, as in Cork, and to stay there a week. At the last assizes the judge was appealed to by a juror, who said that he was unable to pay his lodging; and it is not fair to bring them there, while gentlemen of property who are interested in the peace of the county

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are not attending as jurors, as they ought to do. I never heard a complaint of a verdict by a prisoner because the jurors were a high class of men; on the contrary, prisoners invariably, when they find they cannot get a lower class of men on the jury, always like to have an intelligent set of men to try their cases.

4833. You have had recently in Ireland an alteration in your county franchise by which persons of 12 *l.* rating are eligible to vote for a county; and that 12 *l.* is understood to mean a higher rent; perhaps a rent of 16 *l.* or 18 *l.*; what would you think of the propriety of making your county electoral roll the list of your jurymen?—I think it is of little consequence in what manner you make the list, because you will get so many. I would try every possible means to get the most respectable men; I would take that as one of the means, and you may rate them at 12 *l.*, or at 20 *l.* if you please, but you will get abundance of jurors at either rating. The great object, in my mind, would be to make the people of Ireland respect the laws, and appeal to them as they do in England.

4834. You will admit that unless there be special reasons to the contrary, it is not desirable to shut out large classes from the occasional exercise of duties of this nature?—Certainly not.

4835. If you limited it to 30 *l.* you would exclude a great number, and if you limited it to 20 *l.* you would exclude a great number?—Yes.

4836. If you limited it to 12 *l.*, which is the county franchise, do you think that from that jury list you would be able to get, by fair arrangement, sufficiently good jurors for the purposes of the country?—Most certainly; because, no matter how low the franchise is, you must include the higher classes. It is not of the slightest consequence, in my mind, at what you rate the franchise.

4837. If you had all above 12 *l.*, do not you see that it would not be desirable in getting hold of a jury, that you should aim at getting every one on it who pays 100 *l.* a year?—If you took the lower class, you would have men on the jury whose companions and relations would very likely be in the dock.

4838. Would it not be better to have rather a mixture, in order to give satisfaction to the people?—If you did, you would have no verdict; if you put a certain class of men on the jury, they would not agree to a verdict.

4839. You do not intend that they should be composed entirely

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entirely of landed proprietors, but you would include occupiers?—Certainly.

4840. How low down would you go with that qualification?—I do not think property qualification of so much importance as intelligence.

4841. Do not you think that honesty, courage, and integrity, in the discharge of the duties of a juryman, are generally more likely to be wanting than such amount of intelligence as is necessary to draw conclusions from the evidence?—Certainly I do. In this country every man aids the administration of justice, and the sympathy is with the injured person; in Ireland, every man of a certain class almost opposes the administration of justice, and the sympathy is with the prisoner.

4842. If in reconstructing your jury system you were to arrange it in such a way that poor men, from whom criminals are generally found to proceed, were tried only by rich men, who do not generally stand in the dock, do not you think you would do something to strengthen the feeling of the people in favour of the prisoner, and against the law?—I do not, because I never heard of people complaining of a jury of intelligent, respectable men; I do not say the very first class of men, but a class of men who are intelligent.

4843. Mr. *Fortescue.*] Substantial farmers?—I would say farmers of a large amount. In cases of agrarian outrage you would not think of putting farmers who lived in a thatched house on a jury, because if you did they dare not find a verdict.

4844. Mr. *Bright.*] You were understood to state that you had no objection to go down as low as the county voters' list for your list of jurymen. In the county of Cork there may probably be 14,000 persons on the voters' list; out of those 14,000 in the county of Cork, how will you get a jury to try a criminal case?—I would select the highest rated man on the panel.

4845. Does the sheriff make out the list from the whole list?—Yes.

4846. Does he summon such men as he chooses?—Yes, a certain number.

4847. Supposing he summoned 200, does he begin to call over their names, and does the prisoner reject such as he chooses?—Yes, to a certain number in capital cases.

4848. If the sheriff pertinaciously refused to call any man who had a rental of between 12 *l.* and 50 *l.*, and summoned only to Cork those whose rental was above 50 *l.*, and the jury therefore was composed of men above that rank, do not

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not you think that a great number of persons, who found one-half or three-fourths of the whole jury list consequently excluded from serving, would imagine that was done for the purpose of bringing them to a trial by a class of men who had no fair sympathy with them?—If you have a class who have sympathy with them, you will have no verdict. That may be a very good theory for England; but in Ireland, you must then go to the Insurrection Act, or to some other such tribunal, and avoid a jury altogether, unless you take men who are above terror, and above being frightened or alarmed. I recollect that at the special commission of 1821, I put a man by, and at that time there was great anger about challenging jurors. The Crown have no power of challenging, but they may desire a man to stand by until the panel is gone through. I put a man by; a gentleman living in the county of Cork; he had a house in the county, and was a butter buyer in Cork, and he was a very respectable man. Lord Plunket, who was then Attorney-general, called me to him in court, and he said, "Barrington, why do you challenge that man; he is a most respectable man?" Somebody had complained to him that I had challenged him. The gentleman was a Roman-catholic, and it was complained that I had put him by. I said to Lord Plunket, "I will tell you the reason: there is a request from himself to me that I will put him by, for that if he was to be on the jury his house would be burned;" for he was living in a thatched house in the country. "Oh," said Lord Plunket, "that is quite satisfactory." Surely that man could not be left on the jury, or men living in thatched houses in the country where agrarian outrage was rife; you could not expect them to be disinterested or fair jurors.

4849. *Chairman.*] If he had been on the jury, do you think he would have been so much under the influence of fear, although desiring to act fairly, that it would have interfered with his giving a verdict?—Certainly, it would have prevented him; except, perhaps, that being a conscientious man, he might at any risk have found a verdict; but if he had, his house would surely have been burned.

4850. Might he not look out for a doubt?—He would, most anxiously.

4851. Mr. *Bright.*] Then, according to your evidence, it appears that, except amongst gentlemen of considerable property, station, and what is conventionally called respectability, the feeling against the law is so universal, that you cannot invite the population to support the law, and to take part

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part in its administration?—I do not say that; I do not say that the feeling against the law is universal; I say that, in ordinary cases, there are no better jurors than farmers; I mean in such cases as larceny and sheep stealing, and all those kinds of offences; but the moment you come to agrarian outrage, you cannot take men from the district, who may subject themselves to agrarian outrage to be jurors on the trial.

4852. Lord *Naas.*] Do the remarks which you have been making apply entirely to agrarian outrage?—Yes.

4853. Mr. *Bright.*] Do you mean that a farmer will convict a sheep stealer who causes insecurity to his own property, but that he will not convict a man who shoots an agent, by which means the chances are that the rent of land is kept somewhat moderate?—I do not say that is the reason; but it is the state in which he is placed in the country; he would be afraid to do it.

4854. Mr. *Goold.*] What remedies would you propose for the existing state of outrage?—The foundation of all, I think, would be a good selection of stipendiary magistrates; men who have a knowledge of the country, as well as intelligence and practice as magistrates.

4855. Mr. *Bright.*] Do you conceive that your police magistrates now are inferior to what they were at one time?—There are a great many, and formerly there were not so many. I would say that, as a class, I do not think they are now the best class of magistrates.

4856. How are they appointed?—By the Government.

4857. By the Lord Lieutenant?—Yes. There are many very good men amongst them; and there are many men who I would say are not intelligent enough for the office.

4858. Do you mean that gentlemen are put into the office under what you would call a mistaken exercise of patronage?—Either for that reason or without sufficient knowledge or sufficient inquiry as to their qualifications.

4859. Lord *Naas.*] Does it require a man of considerable intelligence to discharge the duties of a magistrate?—It does, and it requires a man of large experience. The evil of having a bad police magistrate is, that the magistrates of the district throw the whole of the work upon him, when there is one appointed. They say that it is his duty, that he is paid for it, and that they will take no trouble; and therefore you lose the services of gentlemen who are very good magistrates, and you have not a good police magistrate.

4860. *Chairman.*] Do not you think that if a man of real intelligence and good principles were appointed, he would be able

able in a short time to get the other magistrates to co-operate with him?—Certainly, wherever there is a clever magistrate.

4861. Are the Committee to understand you to state, that where a person is sent down who is not a capable man, he offends the gentlemen who are magistrates?—It is not that alone, but it is useless, and worse than useless.

4862. Do they wish that his incompetency should be exposed?—Yes.

4863. Mr. *Goold.*] You say that, for the proper administration of criminal law, you would recommend a greater care in the selection of stipendiary magistrates?—Yes.

4864. Is there anything else that you would suggest?—I would also recommend that policemen should be promoted for discovering crime; not making the police force so altogether a military force, but that great intelligence and long experience in the discovery of crime and the investigation of outrages should be a qualification for promotion. I do not say that I would promote a man who merely discovered a crime, because it might be a bonus to him to discover crime, but that intelligence in tracing the perpetrators of crime should be a qualification for promotion.

4865. Is Sir Duncan M'Gregor at the head of the police force?—Yes.

4866. Lord *Naas.*] Is promotion in the police always made by the authority of the force?—Yes, to a certain extent.

4867. Have the Government anything to do with promotion in the force?—No. There cannot be a better head in the police than Colonel M'Gregor; but he is a military man, and his desire is to see a fine force; and perhaps there is not a finer force or more intelligent set of men than the Irish police, but still there should be promotion for intelligence in the investigation and discovery of crime, and not solely for their military qualifications.

4868. *Chairman.*] With regard to Sir Duncan M'Gregor, do not you think that as far as he is concerned, he takes very great pains to promote men who are deserving of promotion?—No doubt of it.

4869. Has he had great experience in the country?—Yes.

4870. Mr. *Solicitor-General for Ireland.*] Do you think they are more the soldier, and less the constable?—Yes. I know one man, a constable in the police force in the county of Limerick, who has discovered, investigated, and prosecuted some eighteen or nineteen very serious cases. I recommended him to Colonel M'Gregor, and I have no doubt he will attend

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attend to my recommendation; but I give that as an instance of the class of men to whom I allude. I would not promote a man merely because he discovered the perpetrator of a particular outrage, because that might be an inducement to a man to cause an outrage; not that I would suppose that any man in the police would create an outrage for the purpose of discovering it, but I would not confine it to the discovery of a single outrage.

4871. Mr. *Goold.*] What is your next suggestion?—A consolidation, as was done in the year 1832, of the Acts for coinage, 2 Will. 4, c. 34, of the Whiteboys Acts, and abolishing the punishment of death in all Whiteboy cases, except murder.

4872. *Chairman.*] Making it a transportable offence?—Yes, and consolidating the whole of the law. I think that is a measure so pressing, and one that would be so little objected to by any Members of the House of Commons, that it is an Act which I would submit to the Committee ought to be brought forward immediately. It could not be opposed; I believe there is no Member of the House who would oppose it; because it would abolish the punishment of death, and it would be simplifying the Acts, and not having three different punishments for the same offence. The present state of the law gives the prosecutor an advantage over the prisoner, because a man may be indicted for an offence which is punishable in three different ways, namely, by death, transportation, imprisonment, or by corporal punishment, and all by different Acts. Surely they require consolidation.

4873. *Chairman.*] Would you suggest any period of ransportation?—I would take the Act of the 1 & 2 Will. 4, which I prepared in 1832, as the model; I would leave the punishment in the discretion of the court; not exceeding transportation. Taking arms under the 27th Geo. 3 is death; under 1 & 2 Will. 4, it is only transportation, and under another Act it is imprisonment. That is a state of things which ought not to remain.

4874. Mr. *Bright.*] Is it not a fact that, practically, the punishment of death is abolished, except in cases of actual murder?—Yes, and so much so, that, as in 1831, I attribute the putting down of all the disturbances in Clare entirely to not having tried capital offences, and to transportation from the dock.

4875. Mr. *Goold.*] Do you think it is important that punishment should follow immediately upon conviction?—Yes.

4876. Mr. *Bright.*] Do you recollect how many persons were

were transported from the dock at the commission in 1832?—I think about 50.

4877. Was that in Clare alone?—Yes; they were removed immediately from the dock, and sent on to Cork; the cars were brought to the door; the effect of it was magical; it was a great deal worse than if they had been executed. From the terror it excited, several of the cases were investigated some months afterwards, and some of them were let back, when the country became peaceable.

4878. Were the prisoners defended?—Mr. O'Connell defended them all in 1831.

4879. Mr. *O'Flaherty.*] Do you think the administration of the law was what it ought to have been, in sending people away from the dock, and then bringing them back again a few days afterwards?—They were not brought back in a few days.

4880. In a short time?—Not for many months.

4881. Were they not sentenced to transportation?—Yes.

4882. And then after investigation were they brought back?—After investigation as to the character of a few of them.

4883. After another investigation?—No; after an inquiry into character they were brought back.

4884. Was the trial in the first instance conducted with that seriousness, and with that view to investigation, with which it ought to have been conducted?—It was. The inquiry afterwards was, not as to any doubt of the verdict, but as to the character of the men who were convicted.

4885. Would it not have been a proper investigation at the time to inquire into character?—Not with respect to offences; that was a question afterwards with respect to the punishment.

4886. Generally speaking, in conducting a trial for any offence, is not character an ingredient in the investigation?—Not unless it is character creating a doubt of the criminality of the offender.

4887. Will you explain in what channel the investigation took place?—I recollect a party of 14 being tried for attacking the Rev. Mr. Grace's house; Mr. O'Connell pleaded guilty for the whole of them; and afterwards Mr. John O'Brien, who is Member for the city of Limerick, and some other gentlemen of the county of Clare, made application for one or two of those 14 who were of good character, and after a long investigation by the Government, it was found that these men were men of good character, and they were al-

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lowed to come back from the hulks before they had been transported.

4888. Is the system of transporting from the dock a system which you would recommend?—I certainly would, as being a very effectual and very humane mode of putting down outrages.

4889. Would you think the scenes which occur on those sudden transportations are attended with barbarity?—It may be so; still it is very often desirable to use a caustic measure when you want to stop a disturbance. I think there was no better judge than Mr. O'Connell, and I believe no man ever praised the mode of conducting the prosecutions in Munster more than he did.

4890. Lord *Naas.*] Were those persons who you said were allowed to come back from the hulks, pardoned by the Crown?—They were pardoned at the instance of some gentlemen of the county for their good character. It was no investigation as to the trial, but merely as to the characters of the men for whom applications for mercy were made.

4891. *Chairman.*] Were they persons of very good character who had committed crime?—Yes.

4892. Lord *Naas.*] Was there any doubt of their guilt?—No; Mr. O'Connell pleaded guilty for them.

4893. Mr. *Goold.*] You also recommend an alteration in the formation of the jury?—Yes. I think that is the only additional suggestion I would make. I mentioned that in an earlier part of my evidence. Above all, I would press the condensing of the Whiteboy Acts.

4894. *Chairman.*] After Parliament rises and before it reassembles, is there not a period of the year very often when these offences under the Whiteboy code prevail?—That was the case in 1831; and it was then, I believe, the intention of the Government to have an Insurrection Act. It was very much pressed upon them.

4895. Do you not think it important, for the period of the year between October and the assembling of Parliament in February?—Certainly, to amend the Whiteboy Acts.

4896. Is that the period of the year when these offences are most prevalent?—Yes, in the winter months.

4897. Is that the reason you think it important that before Parliament rises, some change in the law should be effected?—Certainly; I think it is wrong to let such a set of acts remain an hour unremedied, if it can be done.

4898. Would it involve any difficulty?—Not the slightest; it is mere clerk's work; there is a precedent for it in the Coining

Coining Acts, 2 Will. 4, c. 34, by which the numerous Coinage Acts are amended and embodied in one Act.

4899. Mr. *Scully.*] Is it not a fact that the country with which you are acquainted is now perfectly quiet?—Yes. Now there is no great competition for land, agrarian outrage has much ceased, with the exception of the one outrage to which I have alluded. If that outrage had not been checked at the last assizes, I have no doubt that we should have had the whole of that district bordering Clare and Tipperary (for it was exactly where Ryan Puck created his disturbances in 1848) in a flame this winter.

4900. Then the consolidation of the Whiteboy Acts is not so immediately necessary, in consequence of the quiet state of the country?—It was thought the country was quiet up to that outrage, which occurred only last July; I do not know what may occur next July; therefore I do not think any time should be lost in amending those Acts.

4901. Mr. *Fortescue.*] Would the consolidation which you recommend have any immediate effect on the administration of the law?—It would not have any immediate effect, but it would be a very necessary thing. I cannot say it would have any immediate effect; it is not like an Insurrection Act.

4902. Mr. *Scully.*] You have been generally acquainted with the state of the country during the last 35 years?—Yes.

4903. Have you paid a good deal of attention to the state of the country, and to the cases of crime and outrage in different parts of the country during that time?—Yes.

4904. Have you written a work on the subject?—I wrote a letter to Lord Morpeth in 1839, and to Sir Robert Peel in 1844, upon the subject. My theory was, that you should make land as free in its sale as money in the funds.

4905. Mr. *Solicitor-General for Ireland.*] Did you say just now that there was no competition for land?—There is very little competition comparatively at present.

4906. Mr. *Scully.*] Do you ascribe any of the causes of outrage and crime to the existing law with respect to the transfer of land, and to the existing law with respect to the relation between landlord and tenant?—I do not. I do not think the outrages can be attributed to the laws between landlord and tenant; but I certainly think that it would be very desirable to facilitate the sale of land.

4907. Have not most of those outrages which are called agrarian outrages arisen out of differences between landlord and tenant?—They arise quite as much amongst tenants-

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at-will. It is the possession of land, and disputes about the possession of land, which lead to those outrages. I stated what were the causes of the outrages at the different commissions which were held; and that shows, as far as my judgment goes, how far outrage is affected by the law between landlord and tenant.

4908. Has the exercise of the rights which the law gives to landlords, in cases with which you are acquainted, ever given rise to outrage?—Yes; in the year 1848, in a case of distress, Mr. Friend distrained some people at Limerick, and the occupiers hired two men from Clare to come and murder the bailiffs; and they murdered a man of the name of Hill, for which they were convicted and executed.

4909. Did you not mention that in 1816 the outrages arose in consequence of the landlords enforcing certain covenants in their leases?—That was in 1821.

4910. Did not that arise from the exercise of rights by the landlords over the tenants?—Yes; it was a mistaken view of an English gentleman going over to Ireland and not understanding the country. He thought that where the tenants had the benefit of high prices during the war, it was right they should pay high rents during the peace; not considering, as I told him, that the circumstances of the two countries were different. He said they were paid in England. I told him that in England men had capital out of which they could pay their rent, but that in Ireland the tenants could only pay according to the produce, and that it was madness to think of enforcing it. I can hardly call that a general rule of the exercise of the rights of a landlord over his tenants, because it was a solitary instance, and the whole of the property was under lease.

4911. Did the disturbance in that district arise from that fact?—Yes, and it spread through the country. In general a disturbance can be traced to some dispute among the occupiers themselves, or some dispute about land; and when once it begins, it is sure to extend.

4912. Mr. *Bright.*] Then is it a fact that the state of the country and opinion is of so inflammatory a character, in fact, that it is so near boiling over always, that if anything happens accidentally, the thing begins and spreads?—It was the case while agrarian outrages were committed. With the lower order of the people there are always instruments to be found. If there were two or three bad men, they could extend agrarian outrage in any district; for instance, the case of the Casey's in Clare in 1831, Captain Rock in 1821, and Ryan Puck

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Puck in 1848; each of those men were the cause of the disturbance, and of the extension of it in the district in which the disturbances took place. I recollect that in Limerick, in 1821, the first question you would ask when you came from your room in the morning was, "Who was murdered last night?" and yet, when this was traced back to one individual, it was found that he was the cause of the whole of the outrages.

4913. That is, that he was the cause of the beginning of the outrages?—Yes, and then that it extended; and the whole of that arose on the Courtney estate.

4914. Mr. *Goold.*] Do you think that by facilitating the transfer of land you would take off some of the checks to supply, or what would be the advantage?—I think the advantage of facility in the transfer of land would be, that men would get small pieces of land when they wanted them. I would not alter the laws between landlord and tenant from what they are in England, I would rather assimilate them, but I would facilitate the sale of land, and make it as easy as the transfer of money in the funds.

4915. Were you solicitor to the Great Southern and Western Railway, in Ireland?—Yes.

4916. Do you know a set of owners in fee, and occupiers, along that line?—Yes.

4917. What proportion do the occupiers bear to the owners in fee?—I suppose the occupiers to the owners in fee are as 19 to 1.

4918. Mr. *Bright.*] Has it ever happened to you that you have had an opportunity of examining what, in your opinion, would be the state of things on the lines of railway in England?—I have made inquiry, and I believe that it would be quite the other way; and that the fee-simple proprietors are far more numerous in England in proportion to the occupiers, than in Ireland. The best mode that could possibly be adopted to prevent and suppress crime in Ireland would be the infliction of a fine on a disturbed district, if you had Ireland in the state that England is in; that is, if you had occupiers who could pay the fine; but if you inflicted a fine on a district in Ireland now, it would fall on innocent persons, who had nothing to do with the disturbances; that is, the landlords would have to pay the fine ultimately. If you had a number of small proprietors scattered through the country, you would have every one of them an unpaid constable, interested in the prevention of crime; and it is getting fast into

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that now; and the great good which the Encumbered Estates Act has done, has been in selling small properties.

4919. Is it not a fact that the effect of legislation with regard to land in Ireland has been to enable persons whose means were not sufficient to enable them to preserve large estates in their families, still to preserve them, and to get the land into few hands, instead of dispersing it among the population?—Entails and settlements have done that.

4920. Is not the whole of that policy with a view of maintaining what is called a territorial aristocracy and a powerful territorial class?—Yes, but that is not the law. Those are the acts of individuals. The law leaves it open to them to make any settlement they please. They execute settlements; but now since the Encumbered Estates Act is in operation, and encumbrances have been called in, a smaller class of estates is created. I should be very sorry to see estates come down to what they are in France, from subdivision of property, to a small amount; but I should like to see such a class of yeomanry and proprietors as you have in England.

4921. You know that in case of intestacy the law gives the whole of the real property to what is called the heir-at-law?—Yes.

4922. In that case, therefore, does not the law distinctly do that which you believe is, in an economical sense, adverse to the interests of the country?—I cannot say that.

4923. Have you not already stated that the advantage of the Encumbered Estates Court was that it was bringing landed property more within the reach of the population?—Yes.

4924. And avoiding the extreme right of accumulation, as it has been already practised here, or the extreme right of dispersion, as it has been practised by the law in France. That was doing that which you thought was desirable?—Yes; but I would leave it optional to any one to divide his property as he pleased.

4925. If in cases of intestacy, when the law is called in to settle what is to be done with a particular estate, it hands over 50,000 acres to one person in a family because no will has been made, is not that, in an economical point of view, contrary to what you believe to be for the interest of the country?—Taking an isolated case of that kind, I certainly think it would; but I should add to that, that I would equally object to have that property go in subdivision among any number of children.

4926. You

4926. You would not think it advisable for the law to act as it does in France?—Certainly not.

4927. Do you think that political economy, while it opposes a system of accumulation by law, opposes a forced dispersion by law?—Certainly; I would leave the power of dispersion to the owner of the property.

4928. Do you know whether at this moment, with regard to properties which are sold in the Encumbered Estates Court, the practice of selling property and of entailing it is proceeding with regard to property passed through that court, just as it has proceeded with regard to property which has never passed through it?—I am not aware of any case at the moment; but I take for granted that it does. I cannot see how you could control the desire of any man to preserve his property in his family.

4929. Are you aware that the law does control and limit the power of settling and entailing within certain bounds?—Yes.

4930. Are you aware also that the only power which any man has of insuring that his property shall go to anybody whatever after his death is a power derived from the law?—Assuredly.

4931. Then if the law gives the only power which is possessed by any man of saying to whom his property shall go after his death, and if, for public objects, it does now limit that power in certain respects, do you see any reason why the law, provided it were shown to be advantageous to the public, should not further limit that power?—I see no reason why the law, if it can be shown to be advantageous, should not be changed; but I would not think it advantageous to give a compulsory power of division of the property of an intestate.

4932. Suppose that the practice of entailment and settlement and of the law of primogeniture could be introduced into personal property, taking the article of flax, which is used in the north, or of cotton in Lancashire, or wool in Yorkshire, or iron in Birmingham or Sheffield, can you conceive it possible for society to hold together, or for industry to be maintained at all, if those practices which prevail with regard to real property were introduced with regard to all other kinds of property?—I think that between personal property and real property there is a very great difference. It is very easy to divide 10,000*l.* in the funds, but it is not so easy to divide one field or two fields into ten parts.

4933. You are a lawyer?—I am a solicitor.

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4934. You have been accustomed to conceive there was some great difference between real property and personal property; but have you ever yet found anybody who could distinguish where the difference was, except in your old musty parchments?—One is a fixed property, and the other is a movable property; the one is a property which you can carry with you, and the other is a property which you cannot carry with you. One has duties attached to it, the other has not.

4935. Do not you know perfectly well that there are properties which to the eye appear just the same, and yet one is real and the other is personal?—I do not know of any such that appear the same to the eye.

4936. Mr. *Scully.*] What suggestions would you make for an alteration in the law with respect to the transfer of land?—I do not know of any alteration which I can suggest; I think it is going on very fast now; I think any man who wants to sell an estate for his own advantage, would sell it in small plots.

4937. Mr. *O'Flaherty.*] Do you think that the Encumbered Estates Court should be made a permanent establishment?—Yes; I think it is a great benefit to the country; and if it had been established 10 years ago it would have been very beneficial; it should be either a permanent establishment, or a branch of the Court of Chancery. I think the power of giving a Parliamentary title is of the greatest value.

4938. Do you think that if the same power were given to the Court of Chancery it would work as well without the aid of the Encumbered Estates Court?—I do not care what court exercises the power; I should say that the Court of Chancery would exercise it quite as well as the Encumbered Estates Court.

4939. *Chairman.*] If it were done at a small expense?—Yes.

4940. You think that a creditor should have facility, and that a purchaser should have facility?—Yes, and a Parliamentary title.

4941. You might call that in the Court of Chancery a decretal title?—Yes.

4942. Would you also think it desirable to manage the estates so as to get rid, as much as possible, of the receiver's jurisdiction?—I think the receiver's jurisdiction is a great nuisance, and very little benefit.

4943. You conceive that the receiver's jurisdiction is a nuisance, because the receiver is merely a collector of rents?—He

—He is a collector of rents, and careless of the management of the estate, and merely looks to what he can get.

4944. Do you think it important, on properties where there are tenants, that there should be an exercise of moral and social duties on the part of the landlord, as well as collecting rents?—Certainly; and I think that is the case with any landlord who looks to the proper management of his estate.

4945. Does not that constitute the great difference between a property which is under the Court of Chancery, and a property which is under the care of a good landlord?—Certainly.

4946. Mr. *Solicitor-General for Ireland.*] Do you see any reason why, if the deed of conveyance in the Encumbered Estates Court is short, and the deed of conveyance to a purchaser under a decree of the Court of Chancery is long, that the conveyance in the latter court should not be made as short as in the other?—No.

4947. Or why the signature of a master in Chancery should not be just as sufficient as the signature of the commissioners in the other court?—I would make the Parliamentary title, whether it is in the Court of Chancery or in the Encumbered Estates Court, the same, and the shorter the form the better.

4948. Sir *W. Somerville.*] Would you approve of a power of conferring a Parliamentary title on the owners of estates which were not brought into the Encumbered Estates Court?—I do not see how it could be given.

4949. Suppose an owner of an estate were to proceed by petition?—I think it would be a most desirable thing, and a great saving of enormous expense, to simplify all the titles in the country.

4950. Mr. *Scully.*] In the selling of those estates, would you recommend that rather a less quantity of property should be sold at the same time; that is, that it should be divided into less quantities than 400, or 500, or 1,000 acres?—That depends on the party selling. He exercises his own discretion in the selling.

4951. Would it not be a benefit to the country generally if those properties were sold in the locality where they are situate?—So they are generally now. Properties have been sold in Limerick, Waterford, Cork, and Kilkenny, with great advantage.

4952. Have they sold higher?—Yes, considerably higher than when they have been offered in Dublin.

4953. If those properties were sold in lots of from 50 acres to 100 acres, would purchasers be found among the tenant farmers

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farmers of the country?—A good many of them find purchasers; it is getting to that.

4954. Mr. *Bright.*] On the whole, would you say that the Encumbered Estates Court in its policy, in its working, and in its results, is, in your opinion, likely to be one of the most beneficial measures that of late years has been passed for Ireland?—I think it is.

4955. Sir *J. Young.*] Would you recommend an extension of the power of the court to this, that a person not intending to sell land might get a title to his own land, in order that at a future time, if he wants to sell a portion of it, or to sell the whole, he might make out that title without difficulty?—I think that would be a question open to serious doubt. Who would be there to see that no injury was committed towards some minor or other person who might not be represented?

4956. Sir *W. Somerville.*] You are aware that it is necessary that an estate should be encumbered to a certain amount before it can be sold in the Encumbered Estates Court?—Yes.

4957. Are the judges who preside in that court obliged to see that all the interests of individuals who may have claims on the estate are properly looked after and attended to, and do they then proceed to give a Parliamentary title to the purchaser?—Yes.

4958. Do you think there would be any difficulty, supposing an estate were not so encumbered as to entitle an owner to proceed in the Encumbered Estates Court for the purpose of sale, in permitting the owner of such an estate to apply to the same tribunal, for the purpose of acquiring a Parliamentary title to his estate, giving sufficient notice to all parties who might be interested?—The difficulty that strikes me is this, that upon a creditor applying and selling an estate, the owner is hostile to the creditor, and of course he sees that everything is rightly done, and he is represented; there are two hostile parties; but if the owner applies to get a Parliamentary title for himself, he is the sole actor, and there is no one to see that a proper investigation of the interest of unrepresented persons is made before the Commissioners. If that difficulty could be got over, I think it would be most desirable. I have stated that, as a general principle, it would be desirable; but I see great difficulty; for instance, how are you to have an infant child represented?

4959. Mr. *Hatchell.*] Does not that difficulty exist at present, where the owner is the petitioner?—Yes, but then he is going to part with his estate; and in the other instance it is to alter

alter the title which he has to his estate, and to get a better one for himself.

4960. Mr. *Bright.*] Is it possible, in that case, for an estate to be sold; for instance, you might put up an estate in the Encumbered Estates Court; it might be bought with a Parliamentary title, which should never afterwards be called in question; and yet it might be that some minor had a remote claim upon your estate, which was not thoroughly investigated, and there would be as great probability of injustice being done to him, as there would be if you merely applied to have your title confirmed?—Only in one instance the interest is represented, and in the other it is not represented; because if you apply to sell your estate, it is not for the payment of debts, but for your own benefit. I think that is the difficulty; and if it could be got over, it would be an advantage.

4961. Sir *J. Young.*] Is not the difficulty in making a title the main cause which prevents the distribution of property in Ireland by sale?—Certainly, in property in settlement. A man cannot sell a piece of it where it is encumbered largely.

4962. Suppose a property not to be encumbered at all, and suppose a man has an estate of 5,000 acres, and that it would be convenient or desirable for him in apportioning a daughter, or for any other purpose, to sell one townland of a couple of hundred acres, would it not be as much expense to make out a title to that small portion as to make out a title to the whole?—Certainly; and that is what I think is so advantageous in the Encumbered Estates Court; namely, that it simplifies the title. If possible, I would have every property in Ireland with a simple title to it.

4963. Do not you think it would be highly advantageous to attempt that, whatever the difficulty might be?—I think it would be very desirable; but being suddenly asked the question, I threw out what I thought was the difficulty; that is, to have the persons connected with the property properly represented.

4964. There would be no hostile party?—No.

4965. Mr. *Scully.*] Would the business of the Encumbered Estates Court be very much increased if that was the law?—Yes. A great portion of every county is going through the Encumbered Estates Court now.

4966. What proportion of the estates in the whole of Ireland do you think are now in the Encumbered Estates Court?—I am not aware; but the quantity of land put there is increasing every day. I recommended a nobleman who wanted

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wanted to sell an estate to put it into the Encumbered Estates Court, as the cheapest mode of selling it, and saving him a great deal of money.

4967. Are you aware of the existence of Ribbonism on the Munster circuit?—No; I never heard of a case of Ribbonism in Munster.

4968. Was there any connexion between those cases of outrage to which you have alluded and Ribbonism?—I never had a case of Ribbonism on the Munster circuit.

4969. Can you give the Committee an idea of the difference between the nature of secret societies called Ribbon Societies and the secret society called Terry Altism?—I cannot give any evidence about it; but as I have heard, I believe Ribbonism to be an extensive combination. In general, Terry Altism, or Lady Clarism, or Captain Rockism, are merely district conspiracies.

4970. Are they so far secret societies?—Yes.

4971. With pass-words and signs?—They have pass-words; I do not know that they have signs.

4972. Have you ever heard that Ribbonism entirely originated from a society called the Orange Society?—No.

4973. Have you ever heard that the two societies were antagonistic?—No. I have heard that Ribbonism prevailed very much in the central part of Ireland, where the two religions meet.

4974. Are you aware that Orange lodges have met or sat in the south of Ireland?—There were Orange lodges formerly in the south of Ireland, but not latterly. I have not heard of an Orange lodge in the south of Ireland for years.

4975. *Chairman.*] Was there any Ribbonism in Limerick in 1822 and 1823, at the time the Insurrection Act was enforced?—I never knew a case of Ribbonism; I had nothing to do with the Insurrection Act.

4976. Mr. *Hatchell.*] Are the outrages in the south clanship outrages?—Yes.

4977. *Chairman.*] Would you think it desirable to have two permanent counsel to attend and conduct prosecutions on the circuit?—We have one permanent counsel now for the circuit, and one separate in each county; and I think that system works very well.

4978. Do you find that it works well?—I do, occasionally taking in a leading man whenever he is wanted. Mr. Henn we were in the habit of taking in in all important cases.

4979. Is Mr. Henn very competent?—Very competent.

James O'Callaghan, Esq., called in; and Examined.

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4980. *Chairman.*] ARE you a Justice of the Peace for the county of Louth?—I am, and also of Armagh.

4981. Are you well acquainted with the district and neighbourhood of Crossmaglen?—I am.

4982. Have you any property there?—I have, both in Armagh and in Louth, adjoining Crossmaglen.

4983. Are you a native of the county of Louth?—No, I am a native of Armagh, within one mile of Crossmaglen.

4984. Were you born there?—I was.

4985. Were you brought up there?—Yes.

4986. Have you had opportunities of becoming very well acquainted with the state of that district?—Particularly so; I have been acting as a magistrate in it for 46 years.

4987. You are also a Roman-catholic?—I am.

4988. Is the present condition of that district very satisfactory?—Quite the reverse.

4989. Is the state of the peasantry lawless?—It is.

4990. Mr. *Bright.*] Do you reside there now?—No, I reside in the town of Dundalk now.

4991. What is the distance of Dundalk from Crossmaglen?—Seven miles, or thereabouts.

4992. *Chairman.*] Are you the owner of the property on which two persons of the name of Clarke were murdered a few years ago?—I am.

4993. Were they placed over that property by you, as care-takers?—They were.

4994. Had the former tenants been dispossessed?—Long before, and there were three other care-takers appointed; they proved unfaithful, and they were removed, after being nearly two years care-takers; and these young men were put into their places.

4995. Were the former tenants dispossessed in respect of arrears of rent?—They were, by a receiver under the Court of Chancery.

4996. Were the rents of the property in that district exorbitant?—They were not.

4997. Mr. *Bright.*] What property are you speaking of?—In Louth. You could, in fact, have one foot on the property in Louth and the other foot in the county of Armagh at the same time.

4998. *Chairman.*] Were the rents generally of the property about there very extravagant?—They were not; at all events,

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events, they were not at all extravagant when they held immediately under the head landlord.

4999. Were they not under middlemen?—Sometimes they were.

5000. In cases where they held direct under the head landlord, they were not oppressive?—They were not. In some cases some of my land was held on leases made in the year 1794 by my father, and were let low even in those days.

5001. Do the leases still continue?—They do.

5002. With regard to the improvement of the property, so far as your property is concerned, were the improvements made by your relations or by the tenantry?—By my brother, before me; and by myself afterwards. The tenants never laid out sixpence in that way.

5003. Were they employed in any labour on the property?—They were.

5004. And paid for it?—Yes; at the highest rate of wages in money. The Louth property cost nearly 2,000 *l.* in draining and in fencing, and the wages were all paid to them in money.

5005. Are you aware of any reduction in rents within the last two or three years?—Yes.

5006. Are they now considerably reduced?—They are reduced to a merely nominal rent.

5007. Has the reduction of the rent been of great service?—They did not pay before, and they do not pay now.

5008. Are the rents in arrear now?—It is two years and a half nearly since the reduction was made, and on an average they have paid half a year's rent out of two years and a half, and some of them have paid nothing.

5009. Lord *Naas*.] What was the amount of the reduction?—About 50 or 60 per cent.

5010. *Chairman*.] Taking the reduction as you have stated it, has it had the effect of reconciling the tenantry?—No. In the county of Armagh, some of them owe 10 years' rent; they owe from five and six years' up to 10 years' rent; and when the reduction was made every one had his debt cancelled.

5011. Were the arrears wiped off?—They were, by the Court of Chancery.

5012. The arrears being wiped off and the reduction made, do you state that one half year's rent out of nearly two years and a half has been paid?—That is all, after sinking about 7,000 *l.*

5013. Will you explain to the Committee what, according to

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to your judgment, is the cause of that state of things?—A determination, or an expectation on the part of the people, that they are to get the land for nothing ultimately. They make a resting place of every reduction; they say, "Reduce it, make it moderate, and we will pay;" and when it is reduced they will not pay, but they call for more reduction. I am talking now of the peasant farmers.

5014. Is it your opinion that the Ribbon confederacy exists to a great extent?—To a very great extent.

5015. Do you think the Ribbon confederacy has contributed to cause that feeling in the minds of the people?—I think it has, decidedly.

5016. In what way does the Ribbon Society operate?—Intimidating any one from intermeddling with land which they choose to forbid being taken; for instance, any land from which a person has been evicted, they will allow no person to come and take the land; and they carry on their system of intimidation in matters which are not at all connected with land.

5017. Is there any Orange Association?—No, and there never was, that I ever knew of; in fact, the population of that neighbourhood, with very few exceptions, are Roman-catholics, and of course they cannot be Orangemen.

5018. Then you do not think it has been provoked by aggression on the part of Orangemen?—No, it has not.

5019. To what do you ascribe it?—To an expectation of getting the land ultimately for nothing,—confiscation, and communism.

5020. Have you, as a magistrate, had brought under your notice any cases connected with the Ribbon confederacy?—Yes, a good many.

5021. Does it exercise a great intimidation over the minds of the people?—Very great.

5022. Does it obstruct the general course of justice?—It does; and I will tell you an instance which happened within three weeks of the present time. A man was returning from the market of Dundalk; the case came before me as a magistrate, and I heard the party examined on oath; the man was severely beaten, and left insensible on the road at the foot of the hill.

5023. Lord *Naas.*] Was he a Roman-catholic?—Yes; but that makes no difference; they are very impartial. A man of the name of M'Intaggart, who held a few acres of land, a publican, and in pretty good circumstances, was riding home; he lived in the neighbourhood; he got to the top of the hill; he saw two men, after they had finished the beating, go across the

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the country in the fields. This is what he swore before two other magistrates and myself in private, and it is within a fortnight that he gave his evidence. He said that when he came up the man was insensible, but whether he was dead or not he could not tell; that he did not like to ascertain whether he was dead, for he dare not do so; for that when these men have put their mark on a person, it would be death to interfere with their code. He admitted that if this man had fallen off his horse, or fallen off his cart, he would immediately have endeavoured to relieve him, and see what was the matter; but he said that so great was the system of intimidation, that he dare not turn the man over, although it was in the middle of the day, and although the men who had beaten him had got clear off, and that he did not examine whether he was dead or alive.

5024. He rode by and left him lying on the road?—He did; and that he swore before us within a fortnight.

5025. *Chairman.*] Do you give that case as an illustration of the effect of the Ribbon system?—Yes, I think the system is very general; and I think that not one of their own class dare interfere.

5026. Do you think there is anything that could be done, with regard to arrangements with the tenantry, which would have the effect of stopping that system?—I do not think there is.

5027. Have you observed anything which is oppressive in the dealings with the tenantry there?—No, there is not.

5028. Does the Ribbon system exercise much influence with the trial and conviction of offences?—It does.

5029. Is it difficult to get justice administered?—It is very difficult, and almost impossible.

5030. Is the property about Crossmaglen, generally speaking, a good deal crowded with small occupiers?—Yes, most of that country is in small holdings.

5031. Did it suffer very much from the potato failure?—It did.

5032. Was there a good deal of distress?—There was.

5033. Do not you think that where a good deal of distress exists among the occupiers of land, that is a very likely spot for the Ribbon confederacy to spread?—Yes, I think it is. Anything which tends to make people discontented, or to induce them to look for a change, would facilitate the spreading of a system of that kind.

5034. Do you think that the rents, as they are reduced, are as reasonable at present as they can be made for the occupation of land?—Quite so. Mr. Alexander Hamilton, the proprietor

prietor of Newtonhamilton, has an estate extending up to Crossmaglen.

5035. Is that the property which lies to the north of the parish of Creggan?—Yes. Mr. Hamilton's tenants called for a reduction. He asked them what would satisfy them. They said, a reduction of rents running from 11 *s.* to 18 *s.* an acre, which was a very considerable reduction. They said, "Give us that reduction, and we will be perfectly satisfied, and you will have no trouble; you will be paid your rent punctually." He is a very kind man, and he said, "I will do more; I will take 1 *s.* an acre off your own proposition, and your rent shall be from 10 *s.* to 17 *s.* an acre." They will not pay him now; and at present his son-in-law, who has a portion of the property, told me they demanded a further reduction, and they will not pay.

5036. Sir *J. Young.*] Are you speaking of Irish acres or of statute acres?—Irish acres.

5037. Mr. *Scully.*] At what time was this re-setting or re-valuation made?—Two or three years ago.

5038. Sir *J. Young.*] What ratio does that letting bear to the poor-law valuation?—Griffith valued us more than the present letting.

5039. Much?—Not much. My Armagh estate is now let at as low a rent as it was let for 100 years ago.

5040. Mr. *Scully.*] When was Mr. Griffith's valuation made?—I cannot say.

5041. Is it five years ago?—More.

5042. Is it 10 years ago?—I cannot say; I never saw it in print until within two or three years; but I do not know in what year it was made.

5043. Was it not before 1845?—I believe it was; I am not certain.

5044. You think the property there is over-populated?—Yes.

5045. In the present state of things, with a fall of prices, is it not almost necessary to have the farms enlarged and improved with more skill and capital?—Certainly; it is no matter what contract the tenants may make with their landlords not to subdivide; they will do it afterwards; a son or a daughter marries, and they cut off an acre or two and give it to them.

5046. Do you think they have a great disposition to sublet and to subdivide?—They have.

5047. Do you think that tendency to sublet and to sub-

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divide is injurious to the prosperity of the country?—Very much so.

5048. Do you think it is requisite that in the present state of things the farms should be of a larger extent, and be better cultivated?—Yes. There is another property, belonging to Mr. Evans, in Monaghan, but not far from Dundalk, and Mr. Dickie told me the other day that one of Mr. Evans' tenants was labouring for him, and he was talking to him about the reduction which had been made in land; and he said, "What rent do you pay?" He replied, "I am not certain." He said, "Not certain! you must know what rent you pay; when did you pay any rent?" The man replied, "Not for about six years." And he said that it had been laid down as a rule of the country, that when they are pushed they will not pay more than one year's rent. He said, "I have it laid by for two years; when a bad day comes I will pay it; but unless I am forced, I will pay nothing: if there are seven years' rent due, I will pay one year's rent; and that is the rule laid down by the country."

5049. Is it possible to have improvements made without interfering more or less with the possession of the small occupiers?—Without removing them, you could not improve.

5050. Lord *Naas.*] Do the small occupiers make improvements themselves?—Not at all. The cabins which they run up are mere pigsties for the most part.

5051. Do they improve the land?—Not at all; they put some manure on it, but they exhaust it in a crop or two; and when they have run the land out, their mode of improvement is to let it lie waste two or three years.

5052. *Chairman.*] Whenever the land remains unoccupied, does the poor-rate fall on the landlord?—Yes.

5053. Is it not his interest to have it cultivated?—It is.

5054. Was it with that view you put the Clarkes on your property as care-takers?—It was to prevent trespassers coming on to graze. They did not take any land; and they did not want any land. The mother, who was a widow, had a good farm on the place, and they were young men who lived with her; they did nothing except come and give in the names of some of the other tenants who designedly put their cattle there; they never exacted anything, and they were not there much more than a fortnight. The care-takers who were there before were very notorious characters.

5055. Mr. *Bright.*] Do you think that the Clarkes bore the punishment which belonged to their predecessors?—No, not at all; but their predecessors, I believe, got it done; indeed I have

I have good reason to know that they did. There was an approver in the case, but his testimony was not supported. It was laid before the Crown officers, and they were of opinion that his statement was true; but they said, "If you put these men on trial on that evidence unsupported they will be acquitted, and you had better let it lie over, and you may get some corroboration.

5056. *Chairman.*] Is there anything that occurs to you to suggest for the purpose of checking Ribbonism?—As to trials by jury, they are not at all afraid of them.

5057. Are the persons in the country who are connected with these crimes not afraid of being tried by jury, or do they speculate on getting off if they are tried by a jury?—They think they are pretty safe, that some one of the jury will not convict them.

5058. Do you think the system exercises much intimidation over the jurors?—Very great. The county inspector of constabulary of the county of Louth, within this fortnight, told me that it was said to a gentleman who was on the jury when they did not agree in the case of M'Intaggart, "I have it from good authority that it is a fortunate thing for you that you did not agree to a conviction; for not one of you would have been alive to-day if you had agreed;" and the man who was tried boasted within 24 hours afterwards how cleverly he did the business, and got off.

5059. Do you know the Rev. Mr. Lennon?—I do.

5060. Do you agree with him that there are not many Ribbonmen in that part of the country?—I do not agree with him.

5061. Do you think there are a good many Ribbonmen in that part of the country?—Yes; and I could tell him of Ribbon lodges within 100 yards of his own door.

5062. Do you know the Rev. Mr. Browne?—I have heard of him.

5063. Have you witnessed the operation of the Tenant League at all?—Yes, a good deal.

5064. What effect has it produced on the minds of the people?—It has excited their minds very much; and as to large farmers, and people of better means, they know very well they could not get their land for nothing; but these others look to have it altogether free, and they defy the law.

5065. Lord *Naas.*] What do you think are the objects of the Tenant League?—Various objects.

5066. *Chairman.*] Has the opposition to the payment of any

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any rent increased since the operations of the Tenant League?—Yes.

5067. You think they have encouraged it?—Very much; and in point of fact, on very high authority, they are in many cases told that to murder men, or to murder agents, is no crime.

5068. Do you know that of your own knowledge?—No.

5069. Mr. *Hatchell.*] Do you know whether there are any publications circulated in that district which tend to promote this system of outrage?—I do.

5070. Are there more than one, or a good many?—I cannot say there are any which are very remarkable, or that would excite the people directly to these violences, except one.

5071. Mr. *Scully.*] What newspaper do you allude to?—The "Dundalk Democrat."

5072. Mr. *Bright.*] What is the size of the estate which you have in this part of Ireland?—One of them is 700 Irish acres and the other about 400.

5073. Are they near together?—They are distant about two miles from each other.

5074. In what county are they situated?—One is in Louth and the other is in Armagh.

5075. Which is the estate on which the Clarkes were murdered?—The estate in the county of Louth.

5076. Is that the largest?—It is; and it is nearer to Crossmaglen than the other.

5077. Is it the estate in the county of Louth on which the reduction of rent has taken place?—On both.

5078. Are you the owner of these properties yourself, or is it yours jointly with some relative of yours?—It is my own.

5079. Has your brother no interest in these estates?—If I do not leave issue, he has.

5080. Is he heir-at-law in case you leave no issue?—Yes, in part. The Armagh estate goes to my daughters.

5081. Have there not been some lawsuits and disputes, with regard to property matters, between you and your brother?—My brother bought up two charges which were against the property. He had no more interest in it than any other person in society. He bought those two charges up, having had a quarrel with me, and then got the estates put under the care of the Court of Chancery. I should have had the estates back again in 1845, if there had been fair management.

5082. What was the amount of the charge he had against the

the estate?—Something less than 2,000 *l.*, and with costs it has amounted to 3,573 *l.*

5083. Did he apply to the Court of Chancery to have a receiver appointed?—He did.

5084. When was that?—In the year 1841.

5085. When did the estates come under the control of the Court?—In 1841; I believe he commenced his proceedings in the year 1839.

5086. How long did the estates remain under the control of the Court?—They are still under the control of the Court.

5087. Have they been so ever since?—Yes.

5088. Up to 1841 were they entirely under your management?—They were.

5089. Did you manage them through an agent, or by yourself?—By myself.

5090. You were residing near enough to the property to do that?—Yes. Of them, until within four or five years, I had not the management. Before that time my brother, out of whose possession I took them, who was agent to a deceased brother (and which was one groundwork of the dispute between us), was the agent. I never distrained in my life to the value of a penny; I never evicted a tenant, and I was paid my rent punctually.

5091. Was the cause of the dispute between you and your brother, that your brother, having been agent of a deceased brother for the management of the estate, you wished to take the management into your own hands?—Yes, in part; he quitted the neighbourhood, but wanted to retain the agency, coming down once or twice in a year.

5092. Up to 1841, when it was under your own management, did you find your rents tolerably well paid?—Perfectly well paid.

5093. Were the tenants a respectable class of tenantry, and did they fulfil their duties to your satisfaction?—Yes; I visited them probably, on an average, once a fortnight. I knew every man's case; I knew every man's situation; and if, either through sickness, or loss of cattle, or failure of crop, any accident happened, I gave him as much time as was necessary; and the consequence was that I was duly paid.

5094. Who was the agent on the property from 1841 to 1846?—Mr. Johnston was agent at that time.

5095. Was he the receiver under the Court?—Yes.

5096. Who is Mr. Johnston?—A country gentleman.

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5097. A man of some property?—Yes.

5098. Is he in the legal profession?—No.

5099. Does he live close to the estate?—Within five miles or so of the Louth estate.

5100. Did you consider him to be a suitable man to be appointed agent?—He was negligent; he was complained of; and he was removed.

5101. When was he removed?—In 1848. He was receiver from 1841 to 1848.

5102. When he received the rents, did he hand over to you the balance after paying the interest on the incumbrances?—Sir Edward Sugden, who was then Chancellor, ordered 200*l.* a year to be paid for the support of my family, during the time the property was in the hands of the Court, the remainder was applied to paying off incumbrances.

5103. Did you receive that sum regularly from 1841 to 1848?—I did.

5104. Were all the charges paid during that time?—They were. There were other charges by other persons, who were not pressing; they were paid off entirely; and Sir Edward Sugden ordered that my brother's charges should stand at the foot of the list.

5105. Up to that period, say up to 1845 or 1846, did Mr. Johnston continue to receive the rents in a manner and to the same extent as satisfactory as you yourself had done before?—Not at all; in point of fact, I did not think he could very well do it; for the small farmers have an idea that when once a property is thrown into the Court of Chancery they may do what they please.

5106. Has that been the fact with regard to the management of your estates?—Very much so.

5107. Have you heard that the tenants have expressed great dissatisfaction at the amount of rent which they were expected to pay?—I did hear that they complained when they found that there was a reduction of rents going on in the neighbourhood.

5108. Did they make some representation to the Court, or to the agent, on the subject?—The present receiver did so.

5109. Who is the receiver?—Mr. Byrne, an attorney.

5110. Is he a suitable man for a receiver?—He is not. He, he has said, was himself very sorry to undertake the agency; but the Roman-catholic clergyman, as I believe, of Crossmaglen pressed it on him, that they might have the direction of affairs themselves; and he scarcely ever goes near, or gives himself any trouble about them.

5111. Have

5111. Have you not the power to apply to the Court of Chancery to have a better receiver appointed?—Yes.

5112. If Mr. Byrne is so wholly unsuitable to perform the duties of receiver, why have you not applied to the Court of Chancery?—He has not been long in; he has only passed one account. The time for passing his second account is in October.

5113. Had you no power to object to his appointment?—I did object to it, but I could not give such reasons as the Master considered sufficient. I said that I did not consider he was a fit person.

5114. Mr. *Fortescue*.] Why not?—In the first place, he is a person at enmity with me, and to whom I would not speak; and I represented to the Master, that unless the receiver was a man who had intercourse with me, and the tenants saw that I was taking part with him, he would not do the same justice as a person with whom I was on better terms.

5115. Mr. *Bright*.] When was the valuation first applied for?—In the spring of 1851; it was in April 1851 that Mr. Brassington went down.

5116. Are Messrs. Gale & Brassington very much employed as valuators throughout Ireland?—Yes.

5117. Were you down there when they came to value?—No; I said I would be no party to the doings that were going forward.

5118. Do you know at all the principle upon which the valuation was made?—I do not; I asked Mr. Gale, "How can you pretend to judge of that land by merely running over it in two or three hours?" He said, "Oh! we did nothing but take a superficial glance at it, and whatever surface it presented in its state of grass, that is all we judged by."

5119. Considering the condition of the tenantry, and that they are not men of capital, and that if there be great properties in the land they are not people who would be in a hurry to bring them out, do you think that is the only way in which a valuation of that kind could be formed?—I do not know what kind of judgment those gentlemen possess, or how far they would be capable of judging.

5120. Have you heard that it has been stated to this Committee that the rents have been reduced to a remarkable extent, and in some cases to considerably less than half the former rent?—Yes.

5121. Do you know it to be a fact?—That admits of explanation. In many cases persons take a small piece of ground, a dry rocky spot, in the midst of bog; they get a quantity of

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bog ground along with it; the arable ground they take is probably not more than an acre, and they take four or five acres of bog. Mr. Brassington told me they did not put any value on the bogs at all. In one case a man paid 5 *l.* 14 *s.* a year by lease, and he had a quantity of bog ground and about an acre of other ground. Mr. Gale only valued the acre of arable ground. He said that he had nothing to do with the bog; and the present receiver puts him down at about 14 *s.* or 15 *s.* a year, instead of 5 *l.* 14 *s.*

5122. Mr. *Solicitor-General for Ireland.*] Whereas the way in which he makes his money by the bog, is taking the turf and selling it in the town of Dundalk?—Yes; he would make his rent in a fortnight in the town of Dundalk.

5123. Mr. *Hatchell.*] When you say that the rent was reduced from 5 *l.* 14 *s.* to a rent of 14 *s.*, have parties who have been cutting and selling the turf diminished the cutting?—They are still doing it.

5124. Mr. *Bright.*] Was it understood, when Mr. Gale made the valuation, that the tenants were still to continue cutting the turf?—I asked Mr. Brassington, and he said, "I valued nothing but the arable ground."

5125. With regard to the bog which they cut, the value of it is when it arrives at Dundalk; in the labour of cutting, drying, and stacking it, and carrying it down to Dundalk?—Yes, a good deal of it.

5126. A man by having some bog to cut, and carrying it to a market town like Dundalk, might make ordinary wages out of it, and still it might not bear rent; is not that so?—There is not an acre of bog between that place and Dundalk, and it is very valuable; and I intend to bring that under the consideration of the Master at the passing of the receiver's next account.

5127. Do you know a man of the name of Michael Byrne, a tenant on the estate?—Yes.

5128. Is he the tenant who cuts turf?—He has a quantity of bog also. M'Mahon is the name of the person I mean.

5129. Do you know a man of the name of Murtagh?—Yes.

5130. Has he any bog?—He has some bog. They all have some for their own accommodation; even those who do not live on the bog.

5131. Apart from the question of bog, you were understood to state to the Committee that the reduction in rent had been from 50 to 60 per cent.?—It has.

5132. Did

5132. Did you ever know a case of an exorbitant rent in your immediate district?—No; the town parks of Dundalk may be let at high rents; the land is of excellent quality, and it was let to people for their own accommodation, as ground is taken for building on.

5133. Do they give fancy prices?—Yes; they are shopkeepers in the town, and other persons, requiring accommodation of pasture for cows, &c.

5134. On your own property in the neighbourhood you never heard of such a thing as an exorbitant rent?—No; some of them may have made private bargains for underletting, which I always set myself against, and when I was receiver of the rent I did not permit it.

5135. Mr. *Solicitor-General for Ireland.*] Do you mean to say, that there might be high rents between a person who took land from you and a person who was under him, although there was a moderate rent between you, the owner of the land, and the person to whom you let it?—Just so.

5136. Mr. *Bright.*] You stated that the small farmers had made no improvements?—Yes.

5137. But you added, except the houses they built?—Yes; and the first improvement that any large farmer would make would be to throw those houses down. They never made one perch of a ditch on the property except as they were highly paid.

5138. Are there any improvements on your property?—No; except the fences which were made, and the draining of the bogs, which was done by myself and my brother.

5139. How long have you had possession of the estate?—I had possession of the Armagh estate after the death of my father, which was in the year 1803; I sold the life interest I had in it to a brother, who is since deceased, who died unmarried, and left it back to me. I was engaged in commercial pursuits, and I was in America for a short time.

5140. Is there a single house on the estate in Louth, near Crossmaglen, which you built?—Not one.

5141. Is there a single farm building of any kind upon the estate which you built?—Not one.

5142. Is there a single gate upon it which you have made and hung there?—Not more than two or three.

5143. Is there certainly one?—Yes.

5144. Are there any fences on it that you yourself have put up at your entire expense?—Yes

5145. Are those fences outside boundary fences?—They are the boundaries of each man's farm.

5146. Do

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5146. Do you mean that all the boundaries of all the farms on the 700 acres you have at your own expense put up?—My deceased brother did.

5147. The whole of them?—Every one of them; and on the Armagh estate, commencing in 1832, I followed the same plan, when I let it. I made 17 Irish miles of fences at my own expense upon it.

5148. When did you get the Louth estate into your possession?—My brother died in 1829, and I got it then.

5149. Then you have had it for 23 years?—Yes.

5150. Have you, during those 23 years, laid in any draining tiles?—No; the stones are so very abundant that they are used. I do not believe there was a perch of a drain made by a tenant. I never could induce them to do it.

5151. Do the tenants on the 700 acres hold on leases?—Yes.

5152. Have they leases at present?—They have.

5153. When were those leases granted?—In the year 1821; they were arranged for by my late brother.

5154. For what length of time?—For two lives or 31 years, and the lives are still in being.

5155. Do the 31 years expire this year?—No; the leases bear date in March 1822; in the year 1853 the time will expire; but notwithstanding the leases the rents are reduced.

5156. In point of fact, have the leases been broken altogether?—Yes.

5157. At present are the tenants holding as tenants at will?—Yes; I never interfered with them; the Court had the management of it.

5158. Were there any evictions on that property before the Clarkes were put in as care-takers?—There were.

5159. Were those evictions which you had made, or that your brother had made?—They were made by the receiver, Mr. Johnston, by the direction of the Court.

5160. How long ago?—I think it was in the year 1845 or 1846 they were evicted.

5161. Was it in consequence of those evictions that the ill-will sprang up which ended in the outrage on the Clarkes?—No; there were other care-takers who had the care of it, and they allowed their friends and others to make a perfect common of it; they were removed by the new receiver, Mr. Marmion, who died soon after his appointment. He removed them and put the Clarkes in their place; and the death of the Clarkes was owing to the turning off the other bailiffs, and had nothing to do with the evictions.

5162. Do

5162. Do you know any estates in that neighbourhood where the rents are well and punctually paid?—I do not.

5163. Has not the result of the potato failure made it much more difficult for the tenants to pay their rents than before?—No doubt it did.

5164. If the rents have been maintained for a considerable period after the failure of the potato at the old rents, does it not seem to be very natural that the tenants should become very much exhausted by that process?—Certainly it does.

5165. And although rents have now been reduced from 50 to 60 per cent., might not such be their exhaustion, and might not they have so little stock remaining on the land, that they might be unable even to pay those rents, although very moderate?—That was not the case with my tenants, for the land was always let at a moderate rent. My brother got the land moderately valued, and I followed his example afterwards; and after the bargain was made, and the new rents fixed, I, of my own accord (and he did the same before me), took 10 per cent. off.

5166. Sir *J. Young.*] What is the general size of the holdings?—From three to seven or eight acres; some of them do not exceed one acre; I did not dispossess any one; but I set my face against any further subdivision.

5167. Upon the system of cultivation which you have described, the potato being lost, do you think three acres sufficient to support a family?—I do not think it would; it would depend on the manner in which they are to live; and in those places of which you see a great puffing in the newspapers, they did not pay rents; there may be a great flourish about them, but they do not pay rents. Let any one attend the quarter sessions and he will find there are a great many evictions. There was a great parade made about Mr. Jordan; and after the first puff, and the dinner which was given, I know from his solicitor that the tenants have not paid any rents at all, with the exception of very few persons, say two or three persons. At the March sessions of Bally Bot, in the county of Armagh, the solicitor proceeded by process, and by civil bills, and by ejectments against many of the tenants on Mr. Jordan's estate, as he told me. It is a small property.

5168. Lord *Naas.*] Have there been any ejectments?—He said that he brought six or seven ejectments, and brought processes against others.

5169. Mr. *Solicitor-General for Ireland.*] Who is the solicitor?—Mr. Dickie, of Dundalk.

5170. Mr.

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5170. Mr. *Bright.*] Have you observed that the condition of that district is very unsatisfactory?—It is.

5171. You are a man of mature judgment, and have lived there a long time. Have you observed that periodically, during your lifetime, cases of disturbance have arisen, and that the country has been in an unsettled state?—No, nothing worth mentioning.

5172. Generally, in various parts of the country, have agrarian outrages occasionally happened?—There have been agrarian outrages in various parts of Ireland. We were tolerably free from them.

5173. Can you suggest to the Committee anything which would improve the condition of your district?—The first thing is to put down the system of Ribbonism. They were first called "Defenders," then "Carders," then "Thrashers," and now Ribbonmen.

5174. Were they not also called "Hearts of Oak," and Hearts of Steel"?—That was before my time.

5175. Mr. *Hatchell.*] And "Peep-o'-day Boys"?—They subsequently were the Orangemen. There were not in my part of the country at any time "Peep-o'-day Boys."

5176. Mr. *Bright.*] Does Ribbonism appear to be a conspiracy of very long standing, taking somewhat different names at different periods?—Yes; but it is more systematic now.

5177. What do you know about Ribbonism; is it not so entirely secret that you are not able to come to any just conclusion upon it?—I know that any man who is marked out they put through a mock trial; I know that from some of themselves. I know one of them, and he told me, "I am a Ribbonman; I have not got the signs for the last quarter or half year; for, in fact," says he, "I had not money to pay for them." This was confidential. I said, "It is a dreadful business for any one to be engaged in." "Why," says he, "there is no chance for a man who is in a fair or a market, unless he is one; for no matter what you quarrel about with a person, you are sure to be marked out for a beating unless you are able to give the signs; and," says he, "for protection we are obliged to enter it."

5178. Mr. *Solicitor-General for Ireland.*] You say they put persons upon a mock trial; will you explain what you mean?—At a lodge a man states a complaint against such a person, for having done so and so, which is inquired into, and the circumstances are mooted; and there is a sentence either of severe beating or death passed upon him. Then they

they draw lots to see who is to execute the death warrant; and the man who is drawn, if he does not go and do it, will surely be killed.

5179. Mr. *Bright.*] Those things have been occasionally stated; but is this a matter which you can state of your own knowledge?—No; but I state to you that I have it from themselves.

5180. From some one?—From different persons.

5181. Mr. *Solicitor-General for Ireland.*] Do you know that men have been beaten, and that men have been murdered, by people who were strangers to them?—Yes; they are almost always strangers who commit the deeds.

5182. Mr. *Bright.*] Then it does not appear to be the man who draws the lot, because the members of a Ribbon lodge in a particular district must be men living in that district, and the man who draws the lot does not commit the crime?—They sometimes have a sum of money by them, and they hire a man. One person, who told me, said he got 2 *l.*

5183. Would you not advise a man to regard any evidence with regard to the nature of a Ribbon Society with great doubt, the whole matter being so secret?—For my part, I have no doubt on my mind at all; because I have heard it so frequently, and from so many different sources.

5184. Mr. *O'Flaherty.*] And in your capacity as a magistrate?—Yes.

5185. Mr. *Bright.*] How do you propose to put down such society, the law having tried to do it since you were very young?—It was not so bad, or so generally spread, as it has been within the last two or three years; and it is spreading faster every day.

5186. What is your remedy for it?—Nothing but martial law will put it down, in the first instance. No juries are to be got to do their duty.

5187. Would you recommend the suspension of the constitution in your district?—Yes, as a lesser evil.

5188. To what extent of country would you apply it?—I would apply it to five or six miles square, or thereabouts.

5189. You would not apply it to the whole of Ireland?—No; there may be places which may require it as much, but as I do not know them, I do not speak of them,

5190. You would not propose to keep martial law there for ever?—No.

5191. Then the moment the pressure was taken off, the military and the police and so forth, may not the same state of things be supposed to arise again?—No.

5192. What

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5192. What is the hidden cause or root of all this; because you are too sensible a man to imagine that these things can be put down by mere great superincumbent force, as it were, upon the people?—I cannot pretend to say what is the root of it, but the object of the small farmers is to confiscate the land.

5193. The landlords want to keep it, and the tenants want to get it?—Yes; and then the men who once get into this society feel themselves strong in their brotherhood; and if they have a quarrel to avenge, it is done.

5194. How do you propose to eradicate from the minds of the tenants the wish to get hold of the land?—If this system were repressed, you would get fresh tenants for the land which is lying waste, and from which people were evicted some four or five years ago, some of whom, having sold their goodwill to the landlord, have gone to America; but now, while the system exists, they will not allow the land to be let to any one.

5195. Then would you make every small farm a garrison?—No. We know that these murderers go about to public-houses, and their Ribbon lodges are perfectly well known.

5196. What do you mean exactly by martial law?—Superseding the trial by jury for a time.

5197. Martial law supposes, generally, a trial by the officers of a regiment?—Yes; we had it in Ireland before.

5198. When?—Once, I think, after the murder of Mr. Baker, in county Tipperary.

5199. Had you martial law there?—Yes; the parties were tried. I believe the magistrates took a part in that trial, and some of the military men, and they had the carriages at the door; and when people were convicted and sentenced to transportation, they were sent off directly from the dock, and that put it down completely.

5200. Under the state of alarm which has prevailed, do not you think there would be great risk of some men who were innocent being sent off if prisoners were transported so expeditiously?—No, I do not think there would be much danger of that.

5201. Do you think this state of things is widely spread among the people?—Very.

5202. You are yourself a member of the Roman-catholic Church?—I am.

5203. Is not the population in that district chiefly Roman-catholic?—Yes; on one of my estates they are all Roman-catholics,

catholics, and on the other there are four or five families who are not Roman-catholics.

5204. It has been stated to this Committee that none but Roman-catholics are admitted into the Ribbon Society; do you believe that?—I am sure of it, as far as any man can be sure.

5205. You have no doubt of it?—Not the slightest.

5206. And, on the other hand, are none but Protestants admitted into the Orange Society?—Just so.

5207. Would you condemn the existence of the Orange Society?—I do. I condemn all such secret societies. I know of no good that they can do, and they can do a great deal of mischief; but Orangeism is entirely forgotten, or mostly so, in my part of the country. Indeed it was not very rife there, for there were not the materials for it.

5208. Lord *Naas*.] Are there any Orangemen in the parish of Crossmaglen?—I think there are; I think some of my own tenants were Orangemen at one time.

5209. Mr. *Solicitor-General for Ireland*.] How do those persons behave to you?—Very well.

5210. Sir *J. Young*.] You have stated that you had about 700 acres in one estate, and that the farms vary from three to seven acres?—Yes.

5211. Is there a family resident on each farm?—They divided it. I believe one man, for instance, has divided the land, which he holds by lease, among 20 persons; he has about 100 acres, and a part of his covenant in his lease is that he shall not subdivide or sublet, but he has done it.

5212. How many tenants are there on that estate of 700 acres?—I think there are from 70 to 80 paying directly to myself, exclusive of those who hold under the man I spoke of, and some others.

5213. Have several of those 70 or 80 tenants under them?—Yes.

5214. May each tenancy or occupation be supposed to represent a family?—It does.

5215. Then may there probably be 120 families altogether located on those 700 acres?—I dare say there are. On the Armagh estate there were 71 holdings, and there were 71 families. It was very much against my will; but they were there, and I would not turn any one out.

5216. There being about 120 families, would they represent about 600 people?—Yes.

5217. So that there are 600 people on 700 acres?—I dare say there are.

5218. What

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5218. What do they grow instead of the potato?—They have grown a considerable quantity of potatoes during the last three or four years, also some turnips.

5219. Is one-fourth of the land in oats?—Yes, I should suppose so.

5220. How much would it produce to an acre, do you think, on an average?—As they cultivate it, I do not suppose they get an average of more than 8, 10, or 12 barrels an acre.

5221. If you take the oats at 10 barrels, and 8*s.* a barrel, that would be 4 *l.* an acre?—I do not think oats were much less than 10*s.* in Dundalk this year. There is land of the same quality held immediately adjoining, and on that I dare say they have from 15 to 20 barrels of oats to an acre; it is in hands of owners in fee, men of capital and skill.

5222. Amongst the numerous population located on the 700 acres is the science of farming at a very low ebb?—Nothing can be worse.

5223. In what state are the houses?—They are like the cabins of the country generally.

5224. Mr. *Bright.*] Are they little better than pigsties?—A great many of them are not.

5225. Sir *J. Young.*] The population being in such a condition, do you wonder at their being discontented, and the prey to any agitation which gives them hope of relief?—No.

5226. Sir *W. Somerville.*] You said there was one particular farm belonging to you which the tenant let out to 20 other tenants?—Yes.

5227. Is that a state of things which exists at this very time?—Yes.

5228. Does the tenant who holds from you re-let it at a higher rent than the rent for which you let it to him?—Certainly; he is a 50 *l.* freeholder in the county of Louth up to this time. I heard he had a profit rent of 100 *l.* a year, besides holding 35 acres in his own hands, and the bargain under which he holds was made in 1794.

5229. Sir *J. Young.*] Supposing a law passed which should make these parties the owners of the property out-and-out, without any payment of rent, do you believe that they are in a condition to improve the land, and better themselves in their position?—I do not think they are; and I think some of those persons who have not paid a halfpenny of rent on my property for 10 years have not saved a pound.

5230. Sir *W. Somerville.*] Did you reduce the rent of the tenant

tenant who holds the 100 acres from you?—Yes, it has been reduced.

5231. Did he reduce the rents of the tenants who held under him?—No, he did not; he said they were not paying him, and he begged the receiver to abate something from him on this account, or to levy the rent from them for him.

5232. What does he pay you per acre at the present moment?—About 23 *s.*

5233. Do you know at all what rent the under tenants pay him?—I have heard of some of them paying under 40 *s.* There were four or five farms taken off and given by his father and himself to the children at the rent paid to me; that is as a provision for the children, and those people only pay the rent that he pays himself.

5234. Do the occupiers whom you have described employ any labourers on their farms?—No; they do whatever labour is to be done themselves with little exception.

5235. Are any of the people in that district entirely dependent on what they can earn as day labourers?—Yes.

5236. Who employs them?—Any gentlemen who may be in the country employ them; some of the large farmers employ them; I do not suppose many of my people employ them.

5237. What is the rate of wages?—Eightpence or tenpence a day.

5238. Could a man get as many labourers as he pleased there?—I have always found I could get them when I wanted them.

5239. Has there been large emigration from the district?—Considerable; but it has not been at all equal to what has been going on in other quarters.

5240. Not so large as to render labour scarce?—Not at all.

5241. Mr. *Scully.*] How long is it since the reduction in the rent was made?—March 1850.

5242. Was the reduction made by you?—The Court ordered Brassington and Gale to go down and value the land, and upon their report the Court reduced the rent.

5243. Were any objections made by you, or on your behalf, to the reduction in the rent?—No; owing to an accident, there were not.

5244. Did you intend to make opposition?—Yes.

5245. You thought the rents were not too high?—I would have given a reasonable and fair reduction, but I would not have committed that kind of suicide on the property.

5246. Mr. *Bright.*] What do you call a reasonable and

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fair reduction?—From 20 to 30 per cent., according to the circumstances.

5247. Would that have been a permanent reduction or a temporary one?—I never considered that point. There is no reciprocity in dealing with these people. If the times continue bad or get good the landlord is bound; but they are not bound at all.

5248. Mr. *Scully.*] Are you aware that some of those tenants have been reduced so much that they are not able to seed their land?—No.

5249. Have you never heard of their applying to the agent for seed?—I am sure they do it.

5250. Have you ever heard that they have been refused?—I do not know; I never interfere.

5251. Have you ever heard of their applying to the parish priest for seed?—I have.

5252. Did you ever hear that he advanced them money for seed out of his own pocket to seed the land?—I never did.

5253. Are you not aware that the people are in such a poor state that they cannot seed the land?—I think they all could if they pleased. One of Mr. Lennon's curates lives in the house with him, and he is one of the Armagh tenantry, or his family are, and they pay nothing, or very little.

5254. Are you well acquainted with the payment and the nonpayment of those tenants?—I have seen the receiver's accounts.

5255. When did you see them last?—The receiver passed his account about two months ago.

5256. Up to what time was this?—He passed it up to that date.

5257. What date?—Up to March last.

5258. Mr. *Bright.*] Do you mean to say that you have actually seen the accounts which the receiver has put into the court since the 25th March this year?—I think he brings it up to the 29th September 1851.

5259. Did you go through that account carefully?—I looked at it; I did not go through it, more than to see the amount of it, and I saw that he did not get half a year's rent in the time. The reduction took place from March 1850, and in that year and a half he did not get (and he has not got, I am told, since) more than half a year's rent. He was told that if he would take off the arrears of rent he should be paid to the day; and when the rents were reduced the arrears were wiped off entirely. Even the arrears of the man who holds the large farm were knocked off, and the rents were reduced, and he paid

paid only one half year. I know the receiver's poundage only came to 20 *l.* and some shillings.

5260. Mr. *Solicitor-General for Ireland.*] He has got no more notwithstanding the reduction of the rent?—No.

5261. Do you believe that industrious and honest men could pay that reduced rent if they chose?—They could, but they look to hold the land for nothing.

5262. Mr. *Bright.*] Then it would appear that the tenantry on this property, from some cause or other, have been plunged into a state of demoralization, which makes them regardless of contracts and of the rights of the landlord?—Quite so.

5263. Lord *Naas.*] Do you think that state of demoralization is much caused by the working of secret societies?—Very much, and by the Tenant League; and the "Dundalk Democrat" keeps the country in a blaze. It is taken in by almost all the Roman-catholic clergy, and they are subscribers to it. It is read at every public-house, and the people go there to hear it read, and they act upon it.

5264. Mr. *Solicitor-General for Ireland.*] Have you read that paper?—Frequently.

5265. Are the political doctrines which are published in that paper in your opinion subversive of order and of the rights of property?—Yes, marking people out for assassination by name. They do not say, "Go, and murder that person," but they hold up persons as bad characters, and they are murdered. They named Mr. Coulter as a man who was an oppressive under-agent.

5266. Did they point him out by descriptions of that kind to the vengeance of the society?—Yes.

5267. Was that paper, at the dinner which was given to Mr. Jordan, recommended to the confidence of the people by the chairman?—Yes.

5268. Who was the chairman?—The Rev. Mr. Lennon, and the editor of the paper was sitting beside him. I hold in my hand a paragraph which I took out of the "Dundalk Democrat," of August 3d, 1850, which was two months after Mr. Mauleverer was killed. The editor says, "We have been in the last week on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with very good effects in the neighbourhood of Crossmaglen."

5269. Mr. *Bright.*] Do you know what was meant by "good effects"?—Yes.

5270. What was it?—Threatening his successor from asking

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any rent or getting it; and he gets none, I believe, or very little.

5271. Do you know whether, after Mr. Mauleverer's death, there was a great reduction of rent on that property?—It would require a day to give a detail of the property; it belonged to middlemen; it belongs to three proprietors.

5272. Is it not a fact that after Mr. Mauleverer's death that estate was placed under the power of the Court of Chancery?—Some of it, and some is not.

5273. Was there not a re-valuation?—There was.

5274. As in your own case?—There was a valuation.

5275. Do you know whether the Court of Chancery, in accordance with the recommendation of the valuator, reduced the rent of that property very materially?—The rent was not reduced as regards the owners in fee, because they got very little out of it; the last life had only died in 1849.

5276. As far as regards the actual rents which the tenants who occupy were required to pay, were they not very materially reduced?—I believe they were; but the owners in fee had no benefit from those high rents.

5277. Do not you consider it a very unfortunate circumstance that the course of proceeding which is recommended before an attack takes place is not adopted until after a party is murdered?—To be sure, prevention is better than cure.

5278. Do not you think it better for a landlord, if his estate is badly managed, to manage it better, or if it is highly rented, to reduce the rent to a moderate amount, before his agent is murdered, than to do it immediately afterwards?—Yes; but in many cases the landlords have not the control of it themselves; in my case I had not the control of it; I would have reduced the rent to what I was sure would have been perfectly fair and just, according to the valuation of the potato crop, and the change of price.

5279. Mr. *Solicitor-General for Ireland.*] Does the "Dundalk Democrat" which you have produced contain the speech which you have referred to as having been made by the chairman, the Rev. Mr. Lennon, in recommending the "Dundalk Democrat" to the confidence of the people of the district?—Yes, and the editor of the paper was sitting beside him.

5280. Read it?—"The chairman next proposed the 'Dundalk Democrat' and the liberal press of Ireland. The press was the great palladium of their liberties; it scourged the tyrant and dragged his deeds before the public gaze. He confessed that he knew no paper, no public journal, which was doing so much in that way as the 'Dundalk Democrat;' and if

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if any paper deserved the confidence and support of the people more than another, it was that journal. It was taking the right course" (and this was immediately after he had said the murder was a good thing), "the only one, in fact, which could truly serve the country; and he therefore gave with great pleasure the 'Dundalk Democrat,' and the liberal press of Ireland. Mr. Carton" (the editor) "returned thanks."

5281. Lord *Naas.*] Was that the newspaper which two months before had said that they were "assured that the murder of Mr. Mauleverer had been attended with very good effects in the neighbourhood of Crossmaglen"?—It was; and this speech was made in the room which Mr. Mauleverer had left 10 minutes before he was killed, a few months previously.

5282. Mr. *Scully.*] To whom was the dinner given?—The dinner was given to Mr. Jordan.

5283. Who was Mr. Jordan?—He is a person who lives in Bray, in Wicklow.

Martis, 18° die Maii, 1852.

MEMBERS PRESENT.

Mr. H. Drummond.	Mr. Hatchell.
Mr. Solicitor-General for Ireland.	Mr. Caulfield.
Mr. Fortescue.	Mr. Bright.
Mr. Scully.	Sir John Young.
Mr. O'Flaherty.	Mr. Goold.
Lord Naas.	Mr. Leslie.

THE ATTORNEY-GENERAL FOR IRELAND, IN THE CHAIR.

James O'Callaghan, Esq., called in; and further Examined.

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5284. *Chairman.*] IN your former examination you were speaking of an account of a dinner at Crossmaglen, which was reported in the "Dundalk Democrat" newspaper?—Yes.

5285. You mentioned that the Rev. Mr. Lennon was the chairman?—Yes.

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5286. Was the Rev. Daniel Gun Brown at the dinner?—He was.

5287. Have you seen him at Newtonhamilton?—No, but he resides in or near to it.

5288. That is next to the parish of Creggan?—It is.

5289. Has Mr. Jordan, whose name you mentioned, any property in Crossmaglen?—Some part of his property is within half a mile of Crossmaglen, and it stretches onward from thence; it is an undivided property; he came lately into possession of it; he married a widow to whom it belonged. I never saw the gentleman or heard of his being in the country except upon that occasion. I think he keeps a shop in Bray, in the county of Wicklow.

5290. You stated, with regard to trial by jury, that it was now ineffective; is that by reason of the intimidation which is exercised over the minds of jurors?—It is; I dare say that some of them may have sympathising feelings with the prisoners.

5291. Have you been in the habit yourself of attending at the county assizes?—Yes, both at Armagh and at Louth.

5292. Have you seen the administration of justice?—I have.

5293. On the part of the judges is it properly conducted?—Yes.

5294. Is there any fault to be found with our judges?—No.

5295. In the Criminal Court do you think you have observed that intimidation acting on the minds of the jurors?—I have.

5296. Does it occur to you as desirable that some of these cases of agrarian crime should be tried out of the locality?—Very desirable; I think it would be a very great improvement. It is the only chance there is for having the laws duly carried out.

5297. Do you think that anything which would secure a jury of intelligent persons, who would be free from the influence of intimidation, would be desirable?—Yes, I think so. I believe I mentioned that Mr. Byrne, the brother of a gentleman who is a solicitor in Dundalk, was on the M'Intaggart's jury, and he was informed, as the county inspector of the constabulary told me, that it was well for him that they did not agree in a conviction; for if they had, there would not have been one man of them alive on that day, and I believe it. Kieran, the man acquitted, spoke openly of his having committed the murder; this in a few days after the trial.

5298. Does

5298. Does it occur to you that jurors of ordinary uprightness might be so intimidated in that way that they could not fairly do their duty?—I think so.

5299. Men who, on ordinary occasions, would act with perfect fairness?—Yes; the life of every one of them is in the power of the Ribbonmen.

5300. Are you aware of the change that took place in the law with regard to the possession of pass-words?—Yes.

5301. Are you aware that in consequence of a repeal in the section of the Act of Parliament, it is no longer a crime knowingly to have pass-words?—Yes.

5302. Do you think it desirable to restore the law with regard to the possession of pass-words?—Yes. I think there would have been a conviction of a party lately in Dundalk if the law had not been repealed.

5303. Do you think that it would give proper facility for the prevention of crime?—I think it would aid it very much.

5304. Is it not a very desirable thing, if it can be done, to break up those confederacies when they are meeting together, before they can act at all?—Certainly. We know houses in Dundalk which they frequent, and men who are known to be men of that class are seen going in and out. I have heard from good authority, and I believe it, that there were 22 sworn in within six or eight weeks in Dundalk on one day and in one house.

5305. Is it a public-house?—It is. The law in that respect requires some amendment. The magistrates have a power to oppose any man, in the first instance, whom they believe to be an unfit man, being licensed as a publican; but after he once gets a licence he gets a continuation of that licence in defiance of the magistrates, unless they can prove something against him. He gets it as a matter of course, if six householders will certify that he is a fit person to be a publican. I could put my hand on five houses in Dundalk, kept by people who are accounted respectable persons, in which Ribbonmen notoriously meet. I know a public-house in Crossmaglen, near to Mr. Lennon's residence, which is notoriously a place for Ribbonmen to meet in.

5306. From your experience as a magistrate, do you think it would be desirable to restore that branch of the law which made the knowingly having possession of pass-words an offence?—I think it would be a great advantage to do so.

5307. It has been stated that such a law was open to abuse, and that pass-words or papers might be put into the possession

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of parties?—That is possible; but I do not know of any instance in which I have reason to believe it was done.

5308. Could that be remedied by confining the application of the law to places where a number of persons were together, and pass-words were found in their possession?—Yes. In that case to which I alluded they were sitting round a table with papers before them, or in their pockets.

5309. Do you think it is also desirable that the more substantial class of persons in the county should be made to perform their duties as jurors?—I do, because the more respectable their station the better chance there is of getting them to perform their duty, and the less risk there is of their being affiliated, or belonging to the Ribbon party.

5310. Is it not a hardship on the smaller farmers to compel them to undergo that duty?—It is; their lives are not safe.

5311. Mr. *Solicitor-General for Ireland.*] Have you been in the habit of reading the "Dundalk Democrat"?—Yes, I have read it very frequently.

5312. Have you read articles in it advocating the extinction of landlordism?—I have.

5313. In those very words, "the extinction of landlordism"?—Yes.

5314. What do you understand by those words?—The getting them deprived of their properties altogether, and with regard especially to small farmers. They do not attach any other meaning to "tenant league" or to "tenant right" than confiscation and communism.

5315. You have read articles which used the words "extinction of landlordism" as essential to the good of the country?—Yes.

5316. Is the "Dundalk Democrat" extensively circulated in the disturbed district?—It is.

5317. Did you ever see a letter in that newspaper signed by the proper name, avowedly, of Mr. Lennon?—I did.

5318. Was it on the subject of land?—Something bearing upon it; I cannot particularly charge my memory with it. The drift of it would easily be seen, but there was nothing in it that could be laid hold of.

5319. Was it addressed to the editor of the newspaper?—Yes.

5320. And signed by his name?—Yes; "Michael Lennon."

5321. Is the parish of Creggan the parish of the Rev. Mr. Lennon?—It is.

5322. How

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5322. How near does it come to Dundalk?—It comes to within three or four miles of Dundalk.

5323. Does it include Crossmaglen?—It does; he resides there.

5324. Have the worst crimes which have been committed been perpetrated in that parish?—The crimes have been as bad as they could be; there were six or seven murders there within a few years, from Mr. Powell's murder downwards, or from M'Crush's, a little time before.

5325. In the parish of Creggan?—Yes, and near to Crossmaglen for the greater part.

5326. Do you know Mr. Eastwood?—Yes; he lives within a mile of Dundalk.

5327. What sort of a person is he?—One of the most quiet, gentle, and religious men that I know of; he does not intrude himself into any public business.

5328. Does his land run into the parish of Creggan?—It does; his property is chiefly in the parish of Creggan, in the county of Armagh, three miles from his own residence.

5329. This same parish of Creggan?—Yes; it runs up within about three miles of Crossmaglen.

5330. Did you know or hear in the county, any short time before he was so savagely assaulted, of any crime which had been committed by him?—I heard of his having evicted some persons of very bad character some two or three years ago.

5331. Nothing recently?—I did not hear of anything recently.

5332. Has he lived there since?—Yes.

5333. Walking about the country?—Yes; he lives within about half a mile of Dundalk.

5334. Do you know him to converse with him?—Perfectly; he called on me to see me the other day, one of the first times he had been out since his escape; and I do not think he will ever recover perfectly, at least his doing so is considered to be doubtful.

5335. Had that gentleman been threatened before he was beaten?—I was told so, from what I conceive to be very good authority.

5336. But he did not act on the warning?—No; he was very mild, and had done nothing at all which he thought would draw on him the vengeance of any of these parties of late.

5337. Was he assaulted as he walked home?—Yes, the day before Christmas-day.

5338. Near

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5338. Near his own house?—Yes; I had seen him within an hour of the attack being made.

5339. Did you hear that any persons in the neighbourhood gave any assistance in the apprehension of the persons who committed the outrage?—No.

5340. Did it occur in the broad daylight?—Yes.

5341. You did not hear of any assistance being given by the people?—No. They left him in a gravel pit. A woman saw him accidentally.

5342. Were you upon the examination as a magistrate?—I heard from other magistrates. She said that she did not know what it was; at last she heard a moan, and she went down to him, and said, "Who is that? Is it the master?" "Yes," said he; and he was not able to say more. She left him leaning over the bank, and went for assistance. She was in his own employment.

5343. Do you know Mr. John James Bigger?—Yes.

5344. Has that gentlemen property in this same parish of Creggan?—He has; Mr. Eastwood's property and his property were originally all one property; and it was divided.

5345. What has become of Mr. Bigger?—He has been living in Dublin some months.

5346. Do you know what compelled him to leave Creggan?—He was threatened. He received a number of letters, as I have heard and believe, and as his family and others say.

5347. Do you know the family?—Perfectly, and I know himself. 'Tis said the last notice he got was, that he had but three days to live; and his wife was threatened also.

5348. Mr. *Fortescue.*] Is she the owner of the property?—Yes. He only has it for her life. She was the widow of Major Eastwood.

5349. Mr. *Solicitor-General for Ireland.*] Was this before or since the transaction with regard to Mr. Eastwood?—He was threatened before.

5350. Has he given up his property and left the country?—He has vacated his house. It is not on his own estate that he lives, nor within three miles of it.

5351. But his property is in the parish of Creggan?—Yes.

5352. Has he quitted the county, and gone to live in Dublin?—Yes.

5353. Owing to terror and intimidation?—Yes; he has taken his wife and family and is living in Dublin, at great loss and great inconvenience.

5354. Is his lady the owner of the property?—He got that property by marriage.

5355. Was

5355. Was she likewise threatened?—Yes; that was the mode of punishing him, because, if she was killed, his interest in the property ceased, and it descends then to a son of Mr. Murphy.

5356. Do you believe that these crimes originate from the Ribbon confederacy which you have described?—I do; I have not a doubt of it. Mr. Bigger told me, and I believe him, that there is more than seven years' rent due to him by some of these people, who are threatening and talking of the heavy rents to which they are subject.

5357. Do you mean on the land from which he received the threatening notice?—Yes.

5358. Is he a harsh landlord?—No; he is a particularly quiet man. His brother-in-law, Mr. Courtenay, is the agent and receiver of the rents of the property.

5359. You mean when he gets any rents?—Yes.

5360. Do you know of the gentry of that part of the county who have not yet been assaulted, going about armed, being apprehensive of violence, from the same causes that you have described?—I do.

5361. In this country, in which you have very much been for more than the half century, is the happiness of life disturbed or interrupted by this system of terror and intimidation being exercised over the owners of property?—It is.

5362. Do you believe that will continue until this conspiracy is put down?—Indeed I think it will; and I have reason to think that it is spreading rapidly every day.

5363. Do you know Mr. Fortescue, the present Lord Clermont?—Yes.

5364. Has he lived a good while in that country?—Yes.

5365. Has he not always been a fair and just landlord?—Particularly so, from all I have heard; I believe that he has always acted a very generous part to his tenantry.

5366. Do you know whether he has been threatened?—I believe he was threatened; I was made the medium of the communication of a threat to him.

5367. As a magistrate?—Yes; a man came to me, a respectable man, and he is a Protestant; he said, "I know of such a thing; I came by my knowledge so and so; I do not know how to communicate it to Mr. Fortescue, or another gentleman, who is also threatened; if I were to be seen speaking to any one, and suspected, my life would be sacrificed." I had met this man and had said, "How do you do?" and passed along; and afterwards he came brushing by me in a street in Dundalk on a market day, and said, "Turn down,

sir,

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sir, if you please, the next lane you come to." He followed me down that lane. "Sir," said he, "I dare not speak to you in the street; there are hundreds of eyes upon me, and I should be suspected of carrying news, or interfering with such a party; I feel very uncomfortable from the knowledge that I have come to; I know you, sir, and I will depend on your communicating it."

5368. What did he communicate?—That he knew there was a sum of 50 *l.* ready to be paid for the assassination of Mr. Fortescue, and another gentleman at Ravensdale; and that he did not know how to communicate it to Mr. Fortescue. He said, "If I were seen speaking to you I should be suspected at once; but I will tell it to you; I know you, and it will not be so much noticed, my speaking to you, as you are a gentleman whom I have known all my life; but I dare not speak to any person in the street."

5369. When you got that information, did you believe it to be true?—I did.

5370. Do you know the man to be respectable?—The man is a highly respectable man.

5371. What did you do?—I went immediately, and saw Mr. Coddington, Lord Clermont's agent, and told him.

5372. In point of fact, has Lord Clermont retired from the country?—He is out of the country.

5373. Mr. *Fortescue.*] He did not leave the country at once?—No, he did not.

5374. Mr. *Solicitor-General for Ireland.*] Can you state to the Committee any act of cruelty or injustice which had been perpetrated by Lord Clermont, in the management of his property?—I never heard even one reported, but quite the contrary.

5375. Had he been living in the family mansion many years past?—Yes.

5376. Did he represent the county in Parliament?—Yes.

5377. Do you believe that this system of intimidation and terror is acted on to expel the proprietors from their estates?—I think so.

5378. Or to compel them to submit to such terms as are demanded?—To give up their incomes connected with land.

5379. Do you know the fact of respectable men going about their ordinary business in Dundalk armed?—I do not know it of my own knowledge, but I have heard that they do.

5380. You have described to the Committee the parish of Creggan, and the tenants in the parish. Do you state that it is

is your conviction that no matter how the rent may be reduced, owing to the system which has grown up the tenants will demand further reduction, and use the same means of accomplishing the extinction of landlordism, unless this system of Ribbonism is put down?—Yes, I think so.

5381. Have there been many meetings of the Tenant League held round about the country?—There have in Dundalk.

5382. In Monaghan?—Yes, in Ballybay.

5383. Do you know whether Mr. Lennon attended?—Yes.

5384. Did he speak?—I am not certain; he attended in Dundalk. He went with his two curates into the county of Monaghan, where neither of them have any connexion, and left the parish to the care of Providence; he, and I believe they, attended at Armagh League meeting; Armagh is 17 miles from their residence.

5385. What are the names of the curates?—Mr. Campbell and Mr. Loy.

5386. Mr. *Scully.*] How far did they go from their residence?—About twelve miles into the county of Monaghan.

5387. At what time of the year?—I am not very certain; I think it was winter time.

5388. Mr. *Solicitor-General for Ireland.*] Do those two gentlemen also belong to the parish of Creggan?—Yes, the three. Mr. Campbell is one of my tenants.

5389. He is one of the curates?—Yes.

5390. Do you find him a good tenant?—No; his mother was; his brothers and his brother-in-law are tenants of mine.

5391. Mr. *O'Flaherty.*] Does he hold any land from you?—No.

5392. Lord *Naas.*] He does not hold any land from you directly?—No.

5393. Mr. *Solicitor-General for Ireland.*] His family hold land from you?—Yes.

5394. He is not your tenant:—No, he is one of the family.

5395. In his youth did he live on your land?—Yes, and was brought up on the farm. I heard Mr. Campbell say, in the presence of Mr. Lennon, in Mr. Lennon's house, "I would not as a clergyman administer sacraments to a man in the extremity of death, who I conceived had let his land too dear." "Pray," said I, "how are you to arrive at the knowledge whether it is let too dear or not?" "I will judge of that," said he.

5396. Mr. *Scully.*] To whom did he say that?—To myself and Mr. Lennon.

5397. Who said it?—Mr. Campbell.

5398. Mr.

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5398. Mr. *Solicitor-General for Ireland.*] Do you mean to say that Mr. Campbell stated in your presence that he would not administer the sacraments of the Church to a person in extremity, who he thought had let his land too dear"?—Yes, distinctly.

5399. And that he would settle the question of the dearness himself?—Yes, that he would judge of it himself. I asked him, "How would you deal with a murderer or a parricide?" he said, "Oh, I would attend to them." I turned to Mr. Lennon and I said, "Are those doctrines which the people are to be taught?" Mr. Lennon shook his head and said not a word.

5400. Mr. *O'Flaherty.*] Was he addressing himself to you?—Yes, we three were in the room.

5401. Was there any previous conversation which would bring it about?—There was a general talk on the state of the country.

5402. Was there any conversation which referred to the letting of land?—No.

5403. It was mere general conversation?—General conversation.

5404. Mr. *Solicitor-General for Ireland.*] Is Mr. Campbell more decided in his opinions than Mr. Lennon?—Yes; he is of a very violent character. I do not know that he is deeper in the business, but he speaks more openly. I would not have it supposed that I mean he is affiliated, or that he is one of the society. I know nothing of them.

5405. Has Mr. Campbell as warmly advocated the principles of the Tenant League as Mr. Lennon?—Yes.

5406. Mr. *O'Flaherty.*] Do you mean to say that you are not quite sure whether he is a member of the Ribbon Society or not?—I could not undertake to say whether he is or not.

5407. You are not sure of that fact?—No.

5408. What do you think?—I should be sorry to think he was actually a sworn member of it. I have nothing to guide me to it. I am sure that his feelings are with the workings of the Ribbon Society.

5409. Whose feelings?—Mr. Campbell's; and I would say, those of the three.

5410. That is, the Rev. Mr. Lennon and his two curates?—Yes; and it would be going too much into length, or I could tell the reasons why I think so.

5411. State your reasons?—I heard through persons who were present in the chapel that Mr. Loy said, turning on the altar, "I understand there are law processes and decrees obtained

tained against people in this neighbourhood for rent; my good people, do not pay any of them until you have reserved enough for your families; that is your first duty. These gentlemen have had the lands long enough."

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5412. Mr. *Solicitor-General for Ireland.*] Whom did he mean by "these gentlemen"?—The present possessors of the land.

5413. You heard from credible authority that he stated that in the chapel?—Yes, in the chapel; from the altar.

5414. Do you believe that?—I do.

5415. Mr. *O'Flaherty.*] Have you any other reasons for assuming that these gentlemen sympathise (to use a mild expression compared with yours) with the Ribbon Society beyond the fact of what that gentleman said from the altar?—There is that fact, and also their attending Tenant League meetings, and joining in every outcry against landlords.

5416. Do you mean to say that every person who attends the Tenant League meetings is a Ribbonman?—Oh, no, I do not.

5417. You assign that as one of the reasons for presuming that Mr. Loy sympathised with them?—Yes.

5418. You think their sympathies are with the Ribbonmen?—When he said, "Do not pay; those decrees are out against you; resist them, and take care you keep sufficient provision for your families, for these people have had the land long enough," I think that was a very strong expression.

5419. Do you conceive that all the persons who are in the habit of attending Tenant League meetings sympathise with the Ribbon Society?—Not all of them; but I am sure that a great many of them do.

5420. Mr. *Solicitor-General for Ireland.*] In the parish of Creggan has the greatest amount of crime been perpetrated?—Yes.

5421. Do you believe that until that system is extinguished there can be no peace in the country?—Yes.

5422. Does it affect the value of landed property?—It does. I do not like to leave anything unsaid which it may hereafter be thought I ought to have said; but I have heard, and believe, that shortly before Mr. Coulter was killed, he received a letter of a threatening nature, signed by Mr. Campbell, telling him that he was no longer a good boy as he used to be; that he had behaved harshly in such a case, and that he had better take care of himself. I can tell you who has that letter; Mr. Courteney has it.

5423. Mr. *Scully.*] Did you see that document yourself?—No;

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No; I applied to Mr. Bigger at different times, and his answer was, that Mr. Courteney had told him, "We are bad enough in the country; if you let it go into his hands the contents of it will go out."

5424. Who told you this?—Mr. Bigger.

5425. Did he see the document?—Yes; it was found amongst Mr. Coulter's papers after he was murdered.

5426. To whom was it addressed?—To Mr. Coulter, and signed by Mr. Campbell himself. Mr. William Barker told me that he saw it.

5427. Mr. *Solicitor-General for Ireland.*] Was it in relation to the management of land?—It was. He mentioned the names of two or three persons to whom he, Coulter, had behaved harshly, and he said, "You are no longer a good boy, as you used to be."

5428. Mr. *Bright.*] Did you read that letter yourself?—No.

5429. Have you seen a copy of it?—No.

5430. Do you mean to tell the Committee that it was a threatening notice, or that you believe it was a friendly warning from Mr. Campbell?—I think it was threatening.

5431. At the beginning of your examination you said that your estate was encumbered?—Yes, for my life.

5432. And that, in point of fact, all the landed property you have was in an embarrassed state?—Yes, to a very small extent, or amount, comparatively with its value.

5433. Do not you think it is possible that the pecuniary difficulties in which you have been placed have induced you to take a one-sided view of the condition of things in that neighbourhood?—Not at all; I declare solemnly that it has not the slightest influence in the opinions I give.

5434. Have you been subject, on more occasions than one, to legal proceedings for the recovery of debts?—Yes; I borrowed money on my own responsibility to pay off two charges, by the advice of an attorney; I made myself personally responsible. I paid them off, and I expected by that means to have kept the property out of the hands of the Court of Chancery. In consequence of a quarrel with my brother, he bought up two other securities; and he turned round on me, and then I was deprived of the means of paying these debts, which I else could easily have done.

5435. Have you been unfortunate enough to lose your personal liberty in consequence of your debts?—Yes.

5436. You spent some time in prison?—I did.

5437. How long a time?—Fourteen months.

5438. Has

5438. Has some of your chattel property been seized under executions, and sold openly in Dundalk?—No, there never was anything of mine sold in that way.

5439. You have stated that you are a magistrate of the county?—Yes.

5440. How long have you been a magistrate?—I was appointed a magistrate of Armagh and Monaghan 46 years ago last January, and of Louth when I went to reside there, about 16 years ago.

5441. Who first placed you on the commission of the peace?—Lord Redesdale.

5442. Who put you on the bench for the county of Louth 16 years ago?—The present Lord Bellew.

5443. Have you, during the whole of this time, been in the habit of acting as a magistrate?—Yes, with the exception of two years, during which I had the situation of paymaster to the constabulary; and then I was not deprived of the commission, but an intimation was given that the Government did not wish that any person who held that office should act as a magistrate.

5444. In your capacity as a magistrate, have disputes between landlords and tenants, arising out of the disturbed state of the country, frequently come before you?—They have, in common with the other magistrates on the bench. Very frequently there were cases where my own tenants were concerned in disputes; but I invariably quitted the bench when one of them was named, and took no part in it.

5445. You only interfered in cases where other proprietors were concerned?—Yes. In cases where quarrels arose, or where there was intimidation; for instance, in that case where a person saw a man beaten and dare not get off his horse and ascertain whether the man was dead or alive; in those cases I had no particular interest or feeling.

5446. There are many portions of your evidence, I presume, which you wish the Committee to receive as being things that you believe on rumour or on hearsay. Have you stated many things which you have not witnessed with your own eyes, or heard with your own ears?—I think I have given my authority so far as I went. I have said, I have seen and known such a thing myself; and as to other things I have said, I was told by such and such a person.

5447. Lord *Naas*.] Do you believe that everything you have stated can be corroborated by other persons of respectability in the country?—I do. I have heard many times much which I do not repeat here, because it was too vague, and I

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could not tell whether to give credit to it or not; but everything that I have stated here, I sincerely believe to be true, from the respectability of the authority that I had for it.

5448. Mr. *Scully.*] Did Mr. Campbell, in that conversation with you about administering the sacraments, explain to you what sacrament he refused to administer; did he allude to any particular person?—No, he did not. He said that as a general practice he would not do it. I applied to Mr. Lennon, and he merely shook his head; and he did not say a word. Mr. Campbell said he would administer the sacrament to a murderer, but he would not administer the sacrament to a landlord who let his land too dear.

5449. Notwithstanding any crime that an individual might have committed?—Notwithstanding any crime that an individual might have committed he would administer the sacrament, if he were dying, except to a man who he considered had let land too dear, which of course he considered to be an unpardonable crime in this world and in the next. Wherever there is a threat given, as far as I have heard, if a person stands his ground, or remains within reach of the assassin or banditti, he will as surely be murdered as that he gets the threat.

5450. Mr. *Bright.*] Shall you go home in fear of your own life?—I live in the town of Dundalk. To use the phrase of the late Mr. Curran, Ribbonmen prove that "Heaven has no monopoly of prediction." If they foretel to a man that he will be murdered, it will be done.

5451. Mr. *Scully.*] Have you received any threatening notice yourself?—No, I never did. In the case of a robbery I apprehended personally a robber, who had possession of a stolen horse, and there was a conspiracy to murder me on that occasion; I prosecuted and convicted one of the party.

5452. Mr. *O'Flaherty.*] You stated, in a former part of your evidence, that you attributed the encouragement of the Ribbon system to public-houses?—Yes; such houses afford them facilities for meeting and planning.

5453. You are a gentleman of great experience with reference to the conduct of public-houses generally; can you offer any suggestion to the Committee for the purpose of removing the opportunity of making those houses places of resort for Ribbonmen?—Yes, I think it would be very advantageous, although there may be objections made to it, but it is a lesser evil, if they were obliged to go through the ordeal of applying to the magistrates every year for a renewal of their licence, because there are many men who have a fair character, and very

very probably deserve it up to a time, but when they are drawn into this system by bad characters, or become connected with them, the magistrates may not know it; and in Dundalk there are at least five notorious places to which they resort.

5454. Mr. *H. Drummond.*] To whom do the houses belong where those publicans live?—I cannot tell that; it is Lord Roden's estate generally; there are so many middle-men who have interests in the houses, that I cannot tell to whom they belong; they are nearly all on Lord Roden's estate I think.

5455. Does not a public-house let for more money when it has got a licence, than it does without a licence?—They get a licence afterwards; they are never let as public-houses are in England, with a licence belonging to the house. The man applies on his own personal character after he gets a house for a licence; and the licence is given to him, and not to the house.

5456. Would you think it a hardship on a man to be obliged to come every year for a fresh licence?—Yes.

5457. Could it be obviated in this way, that the magistrates should cause a notice to be given to a man to come up, in case of any objection having arisen within the year to that man's conduct, for a renewal of his licence?—I do not know that that would be of any service; as it is at present six persons must certify, and if the sub-inspector of constabulary knows any reason (it will not do to merely suspect), he may refuse his counter signature, and without that a person will not get a licence; but he never has to go before the magistrates again.

5458. Suppose you wish to bring a publican before the magistrates?—The sub-inspector of constabulary knows of these houses; but he says he cannot prove anything against them, although they have pass-words on the table before them.

5459. Mr. *Caulfield.*] You mentioned, in your evidence on a former day, that you thought martial law was the only thing which would put a stop to these proceedings?—I do think so.

5460. Do you think that a large quartering of military and police would be effectual?—It would not be sufficient; for in the manner in which these fellows proceed, they would murder a man if you had a party of one hundred policemen or dragoons stationed at every mile along the road, and the people who saw them do it would not tell about it. They get along side of a man first, trip him up, and then murder him. They mostly strike at the head, and in four or five cases they have broken the heads to pieces.

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5461. Do you think that any activity on the part of the magistrates and of the constabulary force in the county would be sufficient to put a stop to those proceedings, as long as that system exists?—It would be some check upon them, but they could never stop them.

5462. It would not put them down?—No.

5463. Mr. *Scully.*] With respect to the information you received about a threatening notice to Lord Clermont, you stated that you received it from a Protestant?—Yes.

5464. Is it not the fact that most of the Ribbonmen, if not all, are Roman-Catholics?—They are; because they would not admit a Protestant into the society.

5465. Then how is it possible that any Protestant could get information respecting the subscription, without being a Ribbonman?—These things occasionally leak out. He told me, and he gave me his authority, also a very respectable man.

5466. Do you believe it came from the Ribbon Society?—This latter told from whom he had information, adding, he is a man that I did a great service to; he has been abroad, in America; he has now come home; he has not had time to get into the system, and probably if he does not remain long in the country, he will not do so. He told me that one penny halfpenny per acre, amounting to 50*l.*, was lodged to pay assassins, as far as might be necessary; and that Lord Clermont and his agent were two of the persons who were to be taken off. He said, "I am afraid of going near Lord Clermont, for if I was seen to go there I should be marked.'

5467. Lord *Naas.*] Did the man tell you that the land was assessed at three halfpence an acre?—Yes.

5468. Mr. *H. Drummond.*] Is he living in your country now?—Who?

5469. The person who gave you this information?—He lives in the parish of Creggan.

5470. Mr. *Scully.*] Is it not the fact, that shortly after that period large meetings of the tenantry were held?—Yes.

5471. Was there not a public document addressed to Lord Clermont?—I think there was.

5472. Was not that an expression of their strong feeling of regard towards him?—I think it was.

5473. Was there any exception among the tenants on the estate to that address?—I did not attend to that, but I know there was some meeting. I was unwell during the months of January and February, and was not out of my house; and I paid very little attention to what was going on.

5474. In consequence of that public sympathy with respect to

to Lord Clermont, might not the act have been the act of one individual?—No, it was not.

5475. May it not have been so?—It is possible for one individual to plan a murder. I do not believe that the persons who planned it were his own tenants at all, because if there is an offence committed against their code, even if none of his own tenants or people complained, the public avengers and others would do it.

5476. Was there any offence committed against the Ribbon code by Lord Clermont?—No; but I did hear that Lord Clermont had let land from which people were removed, and that the people who took the land from him were threatened or driven off from ploughing it, and that he sent his ploughs in afterwards, and that some neighbouring gentry sent their ploughs, to show that they should not be prevented from tilling the ground. I did hear that there was a murmur of discontent, and that they said he would be made to pay for it.

5477. Subsequently to that time, did Lord Clermont reside in the country?—He was in the country, I believe, at the time what I tell you took place; but some of the tenants of Lord Clermont are persons of a very different rank of life; and the persons who were concerned in getting up that address are Protestants who live in Dundalk, and near Dundalk.

5478. Did not Roman-catholic tenants join in the address as well as Protestants?—Yes, I dare say they may have done so; but, as I tell you, I was very unwell about that time, and I paid very little attention to it.

5479. Mr. *O'Flaherty.*] How far did that assessment of 1½*d.* per acre extend?—That I cannot tell.

5480. You do not know whether it went beyond the parish, or into two parishes?—I cannot tell that. It requires to be behind the scenes altogether to be up to anything of that kind.

5481. Mr. *Solicitor-General for Ireland.*] Is the poor rate less than it used to be about Dundalk?—It is.

5482. Are the people as bad off in that part of the country as they were?—They are not so badly off.

5483. Do you believe that on the trial of a Ribbonman, if there happened to be on the jury a person who had a sympathy for Ribbonism, he would find a verdict, on the clearest evidence, against the accused?—I am sure that he would not.

5484. Do you believe that a Ribbonman being on trial, if a Ribbonman were examined for him, he would hesitate to say

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what was not true in his defence?—I think he would not. I think they do not regard oaths at all.

5485. Mr. *Bright.*] Is not that an imputation which has been generally made by the Roman-catholic people, and against the Orangemen, that they would not convict an Orangeman, and that the evidence of Orangemen was frequently falsified for the purpose of screening a brother Orangeman?—I believe so.

5486. Do you think that both the Ribbon combination and the Orange combination are contrary to public peace, and injurious to the country?—They are; but I do not know of any Orange association in my part of the country.

5487. Mr. *Solicitor-General for Ireland.*] Is there any such thing in Dundalk?—No.

5488. Mr. *O'Flaherty.*] Do you know Crossmaglen?—Yes.

5489. Is there an Orange lodge in Crossmaglen?—I do not think there is. I know there were paradings of Orangemen, which I myself put down.

5490. Mr. *Scully.*] How long ago is that?—It was in the year 1815 or 1816; it is an old story. The yeomanry of the day took a part in it; I complained to the Lord Lieutenant, and the corps was broken up.

5491. Lord *Naas.*] Is not the Ribbon Society in full force in districts where there is not an Orangeman within milesof them?—It is.

5492. Mr. *Solicitor-General for Ireland.*] Were you ever present yourself at a trial of the kind, at which you saw men, Orangemen, swear, according to your judgment or belief, falsely?—No, I cannot call to my mind that I have.

Rev. *Michael Lennon*, called in; and further Examined.

Rev. *M. Lennon.*

5493. Mr. *Scully.*] IT has been stated that you attended a dinner at Crossmaglen?—Yes, I did.

5494. Who was in the chair at that dinner?—I was.

5495. Did you make any speech in support of an editor of a newspaper called the "Dundalk Democrat"?—I gave "The Press." The editor of the "Dundalk Democrat" was the only member of the press present. I gave "The Press," and connected the editor of the "Dundalk Democrat" with the press, as a matter of courtesy, and as is usual on such occasions.

5496. Do you remember the nature of the speech you made on that particular occasion?—I do not recollect the terms of it.

5497. Mr.

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5497. Mr. *Bright.*] Do you read the "Dundalk Democrat"?—I do.

5498. Do you read from the beginning to the end everything that is in that paper every week?—I do not, and sometimes I do not see it at all.

5499. Do you take the paper in yourself?—I do.

5500. It has been stated to this Committee that in some article in that newspaper observations like these were made: "We have been in the last week on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with very good effects in the neighbourhood of Crossmaglen." Do you recollect ever seeing that paragraph in the paper?—I do not.

5501. If you had seen such a paragraph as that in the paper, would you have approved of it or have condemned it?—I certainly should have condemned it, if it referred to any encouragement of murder.

5502. Lord *Naas.*] Do not you think that such a sentence is an encouragement to murder?—I would disapprove of that sentence most decidedly.

5503. Mr. *Bright.*] It has been stated that at that dinner, in proposing "The Press," you spoke in terms of commendation of the "Dundalk Democrat," and that you stated that the press was "the great Palladium of their liberties; it scourged the tyrant, and dragged his deeds before the public gaze. He confessed that he knew no paper, no public journal, which was doing so much in that way as the 'Dundalk Democrat;' and if any paper deserved the confidence and support of the people more than another, it was that journal. It was taking the right course, the only one, in fact, which would save the country; and he therefore gave, with great pleasure, 'the Dundalk Democrat and the Liberal Press of Ireland.'" Assuming that that paragraph in your speech is properly given, did you mean by it anything beyond a general statement of the advantages of a press which did expose to public view cases of hardship and of oppression on the public?—Nothing more.

5504. You would not have the Committee for a moment to suppose that you, as a man and as a minister, would give your sanction to paragraphs like that which was first read to you, where it was stated that Mr. Mauleverer's death had been "attended with very good effects"?—I would not give my sanction to that at all; and my whole life I think is a refutation of any such interpretation as that being put upon it; I would refer to any magistrate in that country, either locally connected with property, or a stipendiary magistrate, I would

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refer to them one after the other, Mr. French, Mr. Singleton, and the present magistrate, Captain Fitzmaurice; I received thanks from every one of those gentlemen for my exertions in the maintenance of peace and order, and the influence that I have always used in putting down everything like secret combinations.

5505. Mr. *Caulfield.*] Do you state that you are willing to refer to the stipendiary magistrates?—Most decidedly.

5506. Mr. *Bright.*] Is not Mr. O'Callaghan a magistrate in your district?—He has not been acting there, I think, these 20 years; I do not recollect seeing him in the county of Armagh, at petty sessions, at Crossmaglen, more than once or twice, I think.

5507. Lord *Naas.*] Does he not act as a magistrate in the county of Louth, the adjoining county?—He does. What I would say in reference to that statement which has been read, is, that the law not giving any constitutional remedy for the protection of the tenants,—in point of fact, what is meant is, that public opinion expressed through the press is a sort of protection.

5508. *Chairman.*] Are the Committee to understand you to state, that you would have condemned any suggestion of attacking individuals?—I would, most decidedly.

5509. And that any course pointed out by the press, which may lead to crime or outrage, you would condemn?—Yes. I never read one word in the "Dundalk Democrat" that either directly or indirectly encouraged assassination in any way.

5510. Lord *Naas.*] Do you ever read the Dublin newspapers?—I do.

5511. Have you never seen the "Dundalk Democrat," and other newspapers which are published, styled the "Murder Press," by some of the Dublin liberal newspapers; for instance, the "Evening Post"?—I have seen the "Examiner."

5512. Have you seen that term applied?—I did in the "Newry Telegraph," and the "Examiner"; but these papers are very much opposed to each other.

5513. Lord *Naas.*] Do you think that name was applicable to the "Dundalk Democrat"?—I do not think it was, for the reason I state, that I know no paper which condemned crime and outrage in stronger or clearer terms than the "Dundalk Democrat." There is never an allusion to crime which it does not reprobate as a violation of God's law, and as a crime which cries to Heaven for vengeance. The spirit of the editor's writing was, that he recommended the tenantry to apply to their landlords for a reduction of rent commensurate

surate with the fallen prices of the markets, the altered state of the times, and the failure of the potato crop. That is the drift of his writing, I think, on every occasion. I never saw any paragraph that would lead me to think any encouragement whatever was given to any deed of violence.

5514. *Chairman.*] Are you aware that bills of indictment were found against that paper?—Yes.

5515. Mr. *Bright.*] Are you aware also that since the present Government came into office they have decided not to pursue that prosecution?—I am.

5516. Lord *Naas.*] Are you of opinion that there has not appeared in the "Dundalk Democrat" anything that you have ever seen which was calculated to disturb the peace of the country?—Yes.

5517. Mr. *Bright.*] Have you a curate of the name of Campbell?—Yes.

5518. Have you had any conversation with Mr. O'Callaghan recently?—I had some conversation recently with him.

5519. Have you had conversation with Mr. O'Callaghan within the last two years, in the presence of Mr. Campbell?—I do not think I have; I am sure I have not, in the presence of Mr. Campbell.

5520. Mr. *Scully.*] Has Mr. O'Callaghan been at your house within the last two years?—I do not recollect that he has.

5521. Did you and Mr. Campbell ever meet Mr. O'Callaghan within the last two years?—I do not recollect.

5522. Mr. *O'Flaherty.*] Do you recollect Mr. O'Callaghan being at your house within the last two years?—I do not recollect.

5523. Do you recollect his being at your house at all?—I do.

5524. Was he there in the company of your curate, Mr. Campbell?—I do not recollect Mr. O'Callaghan being there when Mr. Campbell was present.

5525. Do you recollect any conversation which occurred in your presence between your curate, the Rev. Mr. Campbell, and Mr. O'Callaghan?—I do not.

5526. Do you recollect the Rev. Mr. Campbell stating to Mr. O'Callaghan, in the course of conversation, that he would consider it his duty, as a clergyman, to refuse the sacraments to any landlord who had let his land too dear?—I do not recollect any such conversation.

5527. Mr. *Bright.*] And that he would administer the sacraments of your Church to a murderer if he were dying, and not

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not to a landlord who had let his land too dear?—I do not recollect any such conversation, and I am positive that no clergyman would make use of such words.

5528. *Chairman.*] Are you able to take upon yourself to say that such a conversation never occurred?—I take upon myself to say that I never heard such a conversation between Mr. Campbell and Mr. O'Callaghan.

5529. Will you take upon yourself to say that in point of fact it never occurred in your presence?—It never took place in my presence.

5530. Can you take upon yourself to say that in point of fact such a conversation never occurred?—I do not recollect any such conversation.

5531. Mr. *Bright.*] Speaking to the best of your belief, would you say that no such conversation ever took place in your presence?—I would.

5532. *Chairman.*] If Mr. O'Callaghan has stated that such a conversation took place, do you believe he has stated a falsehood?—I should not like to impute that; he may be mistaken.

5533. Mr. O'Callaghan has stated that that conversation took place between your curate and himself in your presence; do you believe that Mr. O'Callaghan, in stating that to this Committee, was stating a falsehood?—I do not see that I can give an opinion as to that.

5534. Mr. *O'Flaherty.*] Do you think it likely that you, as a parish priest, would not recollect so remarkable a conversation as that which is alleged to have occurred between your curate, in your presence, and Mr. O'Callaghan, a Roman-catholic gentleman?—If any such conversation occurred in my presence, I should condemn it most decidedly; and I think, from that circumstance, it did not occur.

5535. Is it not altogether contrary to the doctrines of your Church to hold any such opinion as that which is alleged to have been propounded by Mr. Campbell?—Most entirely so.

5536. *Chairman.*] Do you think that Mr. O'Callaghan would fabricate the statement as to that conversation having occurred?—If any conversation of the kind had occurred, I should have condemned the matter at once.

5537. Mr. *Solicitor-General for Ireland.*] You have a curate of the name of Campbell?—Yes.

5538. Does he live in your house with you?—Yes.

5539. Do you admit that on a particular occasion Mr. O'Callaghan was in your house in your presence, and in the presence of Mr. Campbell?—He was.

[The Witness was directed to withdraw.

After a short interval, the Rev. *Michael Lennon* and Mr. *James O'Callaghan* were called in, and, by the direction of the Committee, the following questions and answers, from the evidence of Mr. O'Callaghan, were read:

A. I heard Mr. Campbell say, in the presence of Mr. Lennon, in Mr. Lennon's house, "I would not, as a clergyman, administer sacraments to a man in the extremity of death, who I conceived had let his land too dear." "Pray," said I, "how are you to arrive at the knowledge whether it is let too dear or not?" "I will judge of that," said he.

Mr. *Scully.*] To whom did he say that?—To myself and Mr. Lennon.

Who said it?—Mr. Campbell.

Mr. *Solicitor-General for Ireland.*] Do you mean to say that Mr. Campbell said in your presence, that he would not administer the sacraments of the Church to a person in extremity, who he thought had let his land too dear?—Yes, distinctly.

And that he would settle the question of the dearness himself?—Yes, that he would judge of it himself. I asked him "How would you deal with a murderer or a parricide?" He said, "Oh, I would attend to them." I turned to Mr. Lennon and I said, "Are those doctrines which the people are taught?" Mr. Lennon shook his head, and said not a word.

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5540. *Chairman.*] (To Rev. *M. Lennon.*) You have heard the statement which has been read?—Yes.

5541. Do you recollect such a conversation having taken place?—I do not recollect any such conversation.

5542. Mr. *Bright.*] You say distinctly that you never heard Mr. Campbell make use of those observations, or of any observations which could fairly be said to bear that meaning?—I do.

5543. Do you recollect any time about the period to which Mr. O'Callaghan has referred, six or seven years ago, when he was at your house, and when you and Mr. Campbell were present?—I recollect that Mr. O'Callaghan was at my house. —(Mr. *O'Callaghan.*) I have often been in it, and have been treated very well.

5544. (To Rev. *M. Lennon.*) If you had ever heard such expressions from a curate of yours, is it possible that you could have heard them without expressing your disapprobation of them?—

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them?—It is not; I should most decidedly have expressed my reprobation of such observations.

5545. Mr. *Solicitor-General for Ireland.*] (To Mr. *O'Callaghan.*) Having heard the statement of Mr. Lennon, do you adhere to your evidence?—I do; and am as positive that the conversation occurred as that I am on this spot at the present moment.

[Mr. *O'Callaghan* was directed to withdraw.

Reverend *Michael Lennon*, called in; and further Examined.

Rev. *M. Lennon.*

5546. Mr. *Bright.*] YOU stated in your former Evidence that Mr. Jordan had made an alteration in the rents of his tenants?—Yes.

5547. And that it had been satisfactory to his tenants?—Yes.

5548. Are you aware whether the rents on Mr. Jordan's property have been on the whole fairly and well paid since that time?—Mr. Jordan stated in my presence, and in the presence of several other clergymen and laymen of all persuasions, that he was astonished at the payments he got the first time he went down.

5549. How long is that ago?—It was in December 1850, I think. In 1851 he went down again, and he expressed the same surprise, that he was so well paid. He came a week before his time on the second occasion, and some of the people were not prepared to pay him the full year's rent; they offered half a year, and said that if he would give them time, until the next fair day was over, they would pay the rest. He went from Crossmaglen into the county of Antrim, and returned in the next week after the fair, and they paid him the full year's rent.

5550. When was that?—In 1851. He asked Mr. Brown and myself, who were in Dublin, to his place at Bray, and he acknowledged that he was never better satisfied with any tenantry; and that with the exception of one or two poor people he got a full year's rent.

5551. When was that?—On the 13th or 14th of January last.

5552. Then is it your opinion, from Mr. Jordan's own statement, that up to the end of 1851 he was quite satisfied?—He not only said that he was quite satisfied, but that he was surprised at the correct payments he had received for the seed he had sent down to them, and that he was paid to the last shilling.

5553. Are

5553. Are you acquainted with the gentleman who is now the agent on Mr. O'Callaghan's property?—I am.

5554. Is he a solicitor in Dundalk?—Yes.

5555. Have you seen him recently?—I have.

5556. How long since?—I saw him for only a few minutes about a fortnight ago; I had not any conversation about the payment of rent with him. I know he was paid a full year's rent by a great number of the tenants, and that some of them made very great exertions to make him a correct payment.

5557. In regard to Mr. Jordan's property, and Mr. O'Callaghan's property, from your knowledge of the people are you able to state, that from the reduction of rents and the alteration which has taken place in their circumstances with regard to the amount payable for their land, they are in a condition of contentment which they have not known for several years before?—Their circumstances have been very much reduced during the last five or six years, owing to the failure of the potato crop, and the rents not being reduced in time; but I know that they are now contented; and with a little indulgence and forbearance, I am satisfied they will make every effort to cultivate their land, and to pay their rents correctly.

5558. Lord *Naas.*] What has been the reduction on Mr. Jordan's property?—I do not know the average.

5559. Has it been 30 per cent.?—From 25 to 30 per cent. I should say; but it was not very highly rented at any time.

5560. What has been the reduction on Mr. O'Callaghan's property, under the Court of Chancery?—A great deal more than that. Mr. Jordan's property, before this time, was moderately rented, as compared with Mr. O'Callaghan's property.

5561. Has the reduction on Mr. O'Callaghan's property been much greater than on Mr. Jordan's property?—A great deal more.

5562. *Chairman.*] Were not the old arrears wiped off?—Yes.

5563. And the rents reduced more than 30 per cent.?—Yes.

5564. Mr. *Caulfield.*] From whom did Mr. Jordan get his property?—I believe he got it by marriage.

5565. Mr. *Solicitor-General for Ireland.*] Can you state to the Committee, as a matter of fact, whether Mr. Jordan's attorney has issued civil bills and ejectments against tenants on Mr. Jordan's estate?—There is some arrangement in the courts,

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courts, I believe, for a division of the property. I do not know what law proceeding was taken. There were one or two ejectments, I think, issued against people who did not pay, and who were very poor.

5566. As a matter of fact, have there not been ejectments lately served on tenants on Mr. Jordan's property by his attorney, for non-payment of rent?—I think there were two or three.

5567. Did you say that the occupying tenants on Mr. O'Callaghan's property paid the high rent to the middleman, or the person immediately above them?—I say that those who held under the immediate proprietor paid a very high rent.

5568. Do you subscribe to a paper called the "Dundalk Democrat"?—I do.

5569. Does your curate, Mr. Campbell, subscribe to it?—No.

5570. Does he live in the same house with you?—Yes.

5571. Has that paper been regularly sent to your house as a subscriber?—Yes.

5572. Have you read it regularly?—Generally; but sometimes I have been from home.

5573. Is it your opinion that the drift of that paper generally is good; that the spirit of it is mild, and that the scope of it is useful?—From my reading of the paper, I think that the recommendation of the "Dundalk Democrat" is for landlords and tenants to make an arrangement between themselves upon an equitable principle, according to the reduced state of agricultural produce and the altered state of the times, and that this is the general recommendation of the editor of that newspaper.

5574. Do you represent to this Committee that in your judgment the spirit of the "Dundalk Democrat" is mild, and that the scope of it is good?—What I meant was, that the scope of the recommendation of the "Dundalk Democrat" was a peaceful settlement and an amicable arrangement between the landlords and tenants of their rents.

5575. Do you represent to this Committee that the spirit of the "Dundalk Democrat" is generally mild and peaceful?—It is peaceful; the language may be strong, but the tendency of it is, I think, peaceful.

5576. How long have you been a subscriber to that newspaper?—I do not remember.

5577. Were you one of the original subscribers?—I was.

5578. Did you start the paper?—I did not.

5579. Did

5579. Did you assist in it?—Yes, by subscribing for the paper.

5580. From the beginning?—Yes.

5581. Do you take in any other newspaper?—I do.

5582. What newspaper?—I have got the "Telegraph" latterly, and I got the "Evening Post" for some time.

5583. At present do you take any other newspaper?—"The Telegraph."

5584. Is that the only other paper you take?—I get the "Tablet" sometimes.

5585. Have you taken the "Dundalk Democrat" from the commencement?—Yes.

5586. Has it been regularly sent to you?—Yes.

5587. Do you mean to state to the Committee that the general character of the writing in that paper is peaceful and good?—That is my impression; and I further say that I never read one paragraph in it which gave the slightest encouragement to violence.

5588. Do you mean to state also that you never read an article in the "Dundalk Democrat" which afforded the least encouragement to a breach of the law?—I do not recollect that I did.

5589. Did you read the report of your speech at the dinner in the "Dundalk Democrat"?—I really do not recollect.

5590. Did you get the paper containing it?—Yes.

5591. Did you object to the report of your speech?—I do not recollect that I did.

5592. Was your curate present on that occasion?—He was.

5593. Did he make a speech there?—He did, I think.

5594. Do you recollect him saying anything about the extermination of tyrants?—I do not recollect.

5595. Will you say he did not?—I do not recollect.

5596. Did he say anything about the propriety of exterminating tyrants?—I cannot recollect at this moment anything about it.

5597. Did you see these words: "The press was the great palladium of their liberties; it scourged the tyrant and dragged his deeds before the public gaze. He confessed that he knew no paper, no public journal, which was doing so much in that way as the Dundalk Democrat"?—I do not recollect whether I did or not. Whether the report is accurate, I cannot say.

5598. Mr. *Bright.*] You are not disposed to repudiate those words?—I will assume they were used.

5599. Mr. *Solicitor-General for Ireland.*] Did you use them?—I do not recollect.

5600. You

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5600. You are not sure whether you used them?—I am not.

5601. You afterwards saw a report of your speech at that dinner?—I did.

5602. You were the chairman?—Yes.

5603. And the gentleman who was sitting beside you was the editor of the "Dundalk Democrat"?—He was not sitting beside me; he was present.

5604. Mr. *Bright.*] Have you any reason to suppose that that report is materially incorrect?—I really do not recollect whether those are the words I made use of or not; but assuming they were used, I think they admit of a very fair explanation.

5605. Mr. *Solicitor-General for Ireland.*] Did you use those words or not?—I really do not recollect.

5606. Did you speak at all of the "Dundalk Democrat"?—I did. I gave "The Press," and the "Editor of the Dundalk Democrat;" being the only member of the press present, I connected the "Dundalk Democrat" with it.

5607. Did you recommend the "Dundalk Democrat" to the favour, approbation, support, and confidence of the people?—I did.

5608. Did you use those words to which your attention has been drawn, "It scourged the tyrant, and dragged his deeds before the public gaze"?—I do not recollect whether I used those exact words or not; but assuming I did use them, they meant nothing more than that the people had no constitutional remedy for what they conceived their grievance, and that they got expression through the press, which was a sort of remedy for the prevention and correction of abuse.

5609. Did you mean by the word "tyrant," landlords?—I think the expression was general.

5610. Did you not mean by the word "tyrant" the landlords?—I meant by the word "tyrant" a person who oppressed; I did not restrict it.

5611. Did you not mean by the word "tyrant" the landlords; "It scourged the tyrant, and dragged his deeds before the public gaze"?—I used the words in a general way.

5612. General or particular, and you may explain it how you like, did you mean to refer to the landlord and his deeds?—I did not. It would apply to a landlord who was tyrannical, or a tyrant of any description.

5613. You did not mean the tyrant of Austria or of Italy?—No.

5614. Did you mean by this passage, "It scourged the tyrant,

tyrant, and dragged his deeds before the public gaze," to refer to landlords generally; "It was taking the right course, the only one in fact which could truly serve the country"?—I meant that in my opinion the journal always recommended an amicable settlement between a landlord and tenant.

5615. An amicable settlement with a "tyrant"; who is the "tyrant"?—Tyranny generally, I meant. Of course the speech was not studied, and it was given off at the moment.

5616. Mr. *Bright.*] The speech was not a written speech?—No.

5617. Mr. *Solicitor-General for Ireland.*] It was spoken from the inspiration of the moment?—It was spoken at the moment.

5618. What is meant by scourging the tyrant, and dragging the deeds of the tyrant before the public gaze. Did you not mean to refer to landlords?—I did not particularly.

5619. Generally?—Generally it had reference to the part before, "The press was the great palladium of their liberties."

5620. Mr. *O'Flaherty.*] Was not the dinner a dinner of the Tenant League?—The dinner was a dinner given by the tenantry to a landlord who had set a good example of giving a fair valuation of his land, and letting his land according to the altered circumstances of the times.

5621. Mr. *Solicitor-General for Ireland.*] Is not the "Dundalk Democrat" remarkable for its advocacy of the opinions of the Tenant League?—It does give expression to the opinions of the Tenant League.

5622. Did you ever see an article advocating the extinction of landlordism by constitutional means?—Yes.

5623. The dinner was a dinner to a landlord?—Yes.

5624. You were in the chair, and you were proposing the health of the press, and connected with it the "Dundalk Democrat," which advocates the opinions of the Tenant League?—Yes.

5625. By the words "It scourged the tyrant, and dragged his deeds before the public gaze. He confessed he knew no paper, no public journal, which was doing so much in that way as the 'Dundalk Democrat;'" did you not mean to refer to the landlords as a class?—I meant to refer to tyranny generally.

5626. Including the landlords?—Yes, including tyrannical landlords.

5627. Mr. *Scully.*] Or any person who acted harshly?—Yes.

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5628. Mr. *Solicitor-General for Ireland.*] This passage has been given to us as having been extracted from the "Dundalk Democrat," of August 3d, 1850: "We have been in the last week on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with very good effects in the neighbourhood of Crossmaglen;" do not you understand that passage to express approbation of the murder of that gentleman?—I do not know whether it may not be interpreted otherwise; I do not recollect reading it.

5629. Does not that passage imply approbation of the murder of that unfortunate gentleman; does it not say that it has been attended with good effects; and is not that what you would say if you were speaking of a virtuous action?—I do not think it is exactly that.

5630. What do you think of it?—I think there was a reduction after the murder of Mr. Mauleverer, and I think it would refer to the reduction of rent that took place after the murder of Mr. Mauleverer occurred.

5631. Sir *J. Young.*] If it is stated that good effects have followed a particular fact, must it not mean that it is not undesirable that it should be repeated?—I would not put that construction upon it; connecting with it the fact that I saw in no paper such strong condemnation of agrarian crimes and outrages as violations of God's law, and as crimes which would bring a curse and the vengance of Heaven on the land, I would say that I should not interpret it as approving or sanctioning the repetition of it.

5632. Upon the particular passage which has been read to you, can any human ingenuity put any other meaning than that which has been suggested to you?—If it had that tendency, and I do not know what was the meaning of the writer, I condemn it most entirely.

5633. Has it not that tendency?—I interpret this particular passage in reference to other passages, and I think it is a fair rule of criticism that you are not to select one isolated passage and comment upon it, without reference to other passages which will explain the meaning of the writer.

5634. Lord *Naas.*] Do you think there is any context that could possibly be written which could make such expressions, in your opinion, justifiable?—If it is meant to encourage a repetition of the crime, with a view to produce good effects, I condemn the passage entirely.

5635. No matter what was the object of the context, do you think that there is any context which could accompany that passage

passage which would render it justifiable?—I am not prepared at this moment to say.

5636. Mr. *O'Flaherty.*] Taking that passage by itself, would you justify those sentiments?—I would not.

5637. Mr. *Solicitor-General for Ireland.*] Is there any obscurity in these words, or any difficulty in understanding them: "We are assured that the murder of Mr. Mauleverer has been attended with very good effects"?—There is not any difficulty in understanding that isolated passage.

5638. Do not you understand that isolated passage, as it stands, to approve of the murder, in representing that good effects have resulted from it?—I could not say what was the intention of the writer.

5639. Do not you understand that language to express approbation of the crime?—I really do not know whether it goes so far.

5640. If it has that meaning, can anything be conceived worse than for a public writer so to express himself?—I think it is very bad.

5641. Mr. *Scully.*] Were there not other tenants besides the tenants of Mr. Jordan at that dinner?—I think there were a few others.

5642. Were the tenants of Lord Gosford there?—Yes.

5643. Were some tenants of Major Bernard there?—Yes.

5644. And some of Mr. Ball's tenants?—Yes.

5645. Were any landlords invited to this dinner besides Mr. Jordan?—Major Bernard.

5646. In giving the toast, "The just rights of property," you are reported to have said, "that the 'Dundalk Democrat,' which the landlords consider their enemy, acknowledged the rights of the landlord as much as any one;" do you remember having made some observations of that kind?—I think I do.

5647. Was it not your opinion, at that time, that the "Dundalk Democrat" was inclined to do justice to one party as well as the other?—To do equal justice to both.

5648. In the course of the speech which you are reported to have made in giving another toast, you are stated to have expressed your opinion that good landlords and good agents were very necessary and very useful adjuncts in the country?—Yes.

5649. And that you were sorry you could not bestow that phrase on every man?—Yes.

5650. You expressed your wish to praise good landlords as well as to condemn bad ones?—The object of the dinner was, to pay a compliment to good landlords and to good agents.

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5651. Was Mr. Jordan the first landlord who set the example of a fair valuation?—Yes; and it was in compliment to him, and to the agent who carried out the matter, that the dinner was given.

5652. Do you remember having written some letters to the "Dundalk Democrat"?—I did write some letters.

5653. Did you write any letter in which allusion was made to the conduct of landlords in the country, which might be construed as expressing your desire to lead to ill-will from the tenants towards their landlords of the country?—No.

5654. Do you remember the nature of the letter which you wrote to the "Dundalk Democrat"?—I do not remember.

5655. Was there anything in it which would lead to the impression that it meant extinction of landlordism?—No.

5656. Had you any object in writing that letter, except the peace and quiet of the country?—None.

Rev. *Daniel Gun Brown*, called in; and Examined.

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5657. Mr. *Scully.*] ARE you a Presbyterian clergyman?—Yes.

5658. Where do you reside?—I live two miles and a half from Newtownhamilton, in the county of Armagh.

5659. What is the name of the place at which you reside?—The name of my place is Glenburne; that is the name of the house.

5660. Lord *Naas.*] In what parish?—Newtownhamilton.

5661. Mr. *Scully.*] How long have you resided in that neighbourhood?—Nineteen years.

5662. Have you been for 19 years Presbyterian clergyman of the parish?—Yes; of the first Presbyterian Church in Newtownhamilton.

5663. Have you ever been in other parts of the parish?—No.

5664. Have you ever been in the parish of Creggan?—Yes; when I was ordained minister 19 years ago, I had two parishes under my spiritual control; but three years afterwards the Synod of Ulster, to which I belonged, divided the parish, and I remained minister of Newtownhamilton.

5665. Was the parish of Creggan joined to your parish at that time?—Yes.

5666. Are you acquainted with the state of the county generally; the general condition of the people, and the existence or non-existence of crime or outrage?—Yes.

5667. Can you give the Committee any idea as to the causes of crime in the district with which you are acquainted?—It appears

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appears to me to arise from the state of the law with regard to land, and the irresponsible power of landlords.

5668. Are you aware of the extent of crime and outrage in the district with which you are acquainted?—I am, generally.

5669. Has it continued long?—I think the first murder of an agrarian kind that I remember was that of Mr. Powell, near Newtownhamilton, within a mile and a half of my house, which occurred, I think, in 1841, or thereabouts.

5670. What crime since that time do you remember?—Mr. Mauleverer's murder at Crossmaglen, and Mr. Bateson's murder, within eight miles of where I live, at Castleblayney, and several others.

5671. In the year 1841 was there much crime beside the murder of Mr. Powell, or was the country very disturbed?—No, I cannot say that it has ever been disturbed; the people are generally amenable to the law.

5672. Were there many outrages besides Mr. Powell's murder in that or the following year?—There have been agrarian outrages from time to time, arising from the unsettled relations between landlord and tenant.

5673. Have agrarian outrages increased within the last few years?—They appear to me to have increased since the failure of the potato crop, when the small farmers found it difficult to make up the rents they had been accustomed to pay, and landlords and agents commenced evicting and serving notices to quit.

5674. Can you assign any reason for these outrages?—I think the want of a constitutional remedy for the social wrongs connected with the relation of landlord and tenant has led to many of these offences and crimes. I think if you gave a constitutional remedy for these social wrongs, you would cut up crime by the root, and establish order on the basis of justice.

5675. Mr. *Bright.*] Do you mean by "constitutional remedy" a legal remedy?—Yes, a remedy of protection and redress.

5676. What do you mean by social wrongs?—I mean by a social wrong this kind of case: that if I take a farm, and improve it, the improved value would be absorbed by an increase of rent, without giving me compensation for what I consider to be my property, because I made it, and that at any time, upon seven days' notice, I am liable to be ejected through the caprice or arbitrary conduct of the landlord.

5677. Would it not be possible for you, in taking a farm, to stipulate that any increased value should be yours; that you should pay an increased rent, or that you should have

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compensation in case you made improvement?—I fear not, in the present state of the law.

5678. Is there anything in the law which would prevent you making such a bargain with your landlord, if your landlord were willing to make it?—As I understand the state of the law at present, the landlord is limited and restrained by reason of legal impediments, which operate injuriously against the interests of the tenant farmers of Ireland.

5679. Lord *Naas.*] What do you mean by "legal impediments"?—I mean by "legal impediments" all matters affecting stamps, conveyances, and matters of that kind, and the title. I believe, if matters were strictly looked to with regard to title, it requires 60 years' possession, or possession of some kind, which, when discussed or arranged by a legal gentleman, adds a very large sum to the expense of transfers, conveyances, and sales.

5680. Mr. *Bright.*] Have you ever studied law at all?—No, except looking into Blackstone.

5681. Then, with regard to the legal difficulties, although you understand them to exist, would you feel yourself competent to describe them minutely?—No.

5682. Lord *Naas.*] Do you mean to state that these legal impediments are to a certain extent the causes of crime and outrage in this district?—No, I have not said that.

5683. Sir *J. Young.*] Are you aware that land may be set to a tenant by a landlord legally by an agreement?—Yes.

5684. Do you know what is the expense of a stamp on that agreement?—No.

5685. Have you not heard that it is 5*s.* only?—I think I have heard something like that.

5686. Supposing it to be 7*s.*, do you think that would be a very heavy tax on an agreement in which a tenant might reserve to himself the right to make improvements, and to reserve compensation for them at the end of the term specified in the agreement?—No; but I think that it would be better not to have any encumbrance of that kind, but to encourage as far as possible the free transfer of land like any other commodity.

5687. What objection can there be to one man, who possesses property, dealing with another man who is anxious to take it for his own beneficial use at a given time on that form of agreement?—I see none; it would be his interest to do so.

5688. Then what becomes of the social wrong?—The social grievance remains here, that unless you give me security that my improvements will not be absorbed by an increase

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crease of rent, I have no inducement to improve; and as agriculture to succeed requires three things, as I understand it, a proper rotation of crops, thorough draining, and farm buildings, I cannot see how it is possible to have agricultural improvements unless you enable me to receive the profit of six years' rotation, and thorough draining, and farm buildings.

5689. The state of the law as to agreement being as it has been described to you, to give a tenure of any number of years, if the tenant has not the protection you speak of, is it not his own fault, because he does not choose to avail himself of that which the law, as it at present exists, gives to him?—It may be so, but I never heard until to-day that such facilities existed. I think the Irish farmers are not aware of it. I quite agree with your principle, that the tenant ought to have security.

5690. Mr. *Bright.*] Do you know whether the practice of holding land by lease in your immediate neighbourhood has prevailed of late, or whether land is generally held from year to year without leases?—There is a peculiarity in the parish in which I am minister, on that point, which I wish to explain. A great number of the present occupiers of land hold by lease for ever, under these circumstances: some 120 years ago, that mountain district was a wilderness, and was inhabited by lawless persons; and, as I understand, the ancestors of the present Mr. Hamilton, the proprietor of the Newtownhamilton estate, and other gentlemen, encouraged the settlement of County Down men, by holding out to them the inducement of leases for ever at 5*s.* an acre.

5691. Mr. *Solicitor-General for Ireland.*] When was this?—Considerably more than 120 years ago.

5692. Mr. *Hatchell.*] Where is the evidence of that?—I have the evidence of old men who are members of my congregation; and I beg to state that I think I shall satisfy the Committee that there is evidence of it. The son of the first Presbyterian minister who came there, one of my predecessors, is still alive, and is a neighbour of mine; and he holds a large portion of property in the parish of Newtownhamilton, on the very condition that Mr. Hamilton made with the original tenants. I can mention the name of the townland which he holds, as an inducement given to his father to come from the County Down to Armagh, which is as near a proof as I could be expected to give on such a point.

5693. Mr. *Scully.*] What have those parties done with the land?—

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land?—Those who are fortunate enough to get it hold it for ever.

5694. How many have those leases?—I dare say, in my congregation, there are 20 persons who hold leases of that kind.

5695. Mr. *Caulfield.*] At 5 *s.* an acre for ever?—Yes.

5696. Mr. *Scully.*] Are they all Presbyterians who hold those leases, or of various denominations of religion?—A few Episcopalians, a still fewer Roman-catholics, and the majority are Presbyterians.

5697. With the exception of those people, do you know any others who have leases in that neighbourhood?—Yes.

5698. Are they the exception, or the rule?—The exception, by far.

5699. Are the great majority of the farmers tenants at will?—Yes.

5700. Have those farmers who are tenants at will made any improvements in their holdings?—Yes.

5701. Considerable improvements?—Not considerable improvements.

5702. Mr. *Leslie.*] Have the leaseholders made improvements?—Very great improvements.

5703. Mr. *Hatchell.*] Their leases are in existence for ever?—Yes.

5704. And they have the benefit of them?—Yes.

5705. And they pay the old rent?—Yes.

5706. Mr. *Caulfield.*] What is the condition of the people who hold for ever at 5 *s.* an acre?—They are very respectable useful members of society.

5707. Have they improved their farms largely?—Yes.

5708. Have they built on them, and laid out capital?—Yes, to a very great extent.

5709. Of course they have nothing to complain of?—No.

5710. Mr. *Scully.*] You say they are very few?—I stated that there were 20 persons in my congregation, but you will remember that there are four Presbyterian churches in the parish of Newtownhamilton. The Presbyterian population is large.

5711. What is the number of the whole population?—The congregations are not parochial in that district; they include some from the county of Monaghan; but including all the district which supplies those congregations, I should say there are between 600 and 700 families of Presbyterians in that quarter, and I think about 50 hold their farms by lease for ever.

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5712. Mr. *Caulfield.*] Divided into four congregations?—Yes; but within the last 20 years above 300 Presbyterian families have disappeared by emigration and the state of the times.

5713. Mr. *Scully.*] Is the land in that country rich land, or what is the description of the land generally?—It is mountain land; cold, not drained, and it requires lime and labour to a great extent to make it remunerative.

5714. Have those persons, who are tenants at will, reclaimed much land in that country from its original state?—They have reclaimed some, and the contrast between the condition of the people who hold their farms at a cheap rent for ever, is very great indeed, showing plainly that what the Irish farmer requires is fixity of tenure and a fair rent. Had these tenants not obtained leases for ever, doubtless long ere this an increasing rent would have absorbed and destroyed their industrial property.

5715. Have they made much improvement upon it?—They have.

5716. Have you known any cases in which those tenants have been ejected without any compensation for their improvements?—I know a very remarkable case which occurred some years ago on Lord Templetown's property, which seems to me to have commenced the unfortunate state of circumstances which we deplore so much; the person to whom I refer was Mr. Hugh Garmany, of Mountain Lodge; he resided in the parish of Wicknow, in Mullyash Mountain, and he had a considerable farm under Lord Templetown; I presume the late Lord Templetown; he improved his farm by planting, by buildings; and he erected a superior kind of residence.

5717. Mr. *Hatchell.*] Had he a lease?—I will explain that; Mr. Garmany had a difference with Lord Templetown on the subject of a racehorse, as I understood; Lord Templetown took umbrage at Mr. Garmany; he gave him notice to quit; and Mr. Garmany being a tenant at will, had no alternative but to leave, with all his improvements, by a certain day. Two days before the time arrived at which he must leave, the people from all districts adjoining that neighbourhood assembled, from Dundalk, from Castleblaney, from Newtownhamilton, from the direction of Clontibret and Keady; they assembled with different sorts of implements, such as axes, saws, and hatchets. In the space of about 20 minutes they cut down some 20 acres of plantation; I was told by a person who saw it that the removal of the trees was magical.

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5718. Mr. *Solicitor-General for Ireland.*] When was this?—Twenty-one or twenty-two years ago, I think.

5719. Mr. *Bright.*] Were the trees the property of Mr. Garmany?—Yes, until a certain day they were his property, upon some legal fiction which I do not understand; I presume until the day on which the tenancy ceased Mr. Garmany had a right to use them.

5720. Was this act committed by the people who had assembled to show their sympathy with the ejected tenant?—Yes, I should say so.

5721. Lord *Naas.*] Had Mr. Garmany no lease?—I think not.

5722. Had he never had a lease?—He never had a lease that I heard of; but he made the improvements on the faith that he would not be disturbed.

5723. Mr. *Scully.*] What further occurred?—Mr. Garmany removed everything he could possibly lay his hands upon, with the assistance of the people, I understand; and for several years after I went to live in that neighbourhood the farm remained uninhabited for a very long time, I should say, perhaps for six years; and latterly it has been let to two persons, and is now occupied by them.

5724. Mr. *Bright.*] Do you know whether Mr. Garmany received any compensation whatever from Lord Templetown?—I know from his own words that he never did, and that he considered himself to have been wronged and robbed; those were the expressions he used to me.

5725. Mr. *Scully.*] What effect had that on your congregation or others in the neighbourhood?—Not a good effect.

5726. Mr. *Hatchell.*] How long had he been in possession of that land before this transaction occurred of the dispute with his landlord?—I am not able to state, but my impression is that it belonged to his father and to his ancestors.

5727. Mr. *Caulfield.*] Was not Mr. Garmany living at Mountain Lodge more than twenty years ago, and had not that farm been in his possession more than twenty years ago?—I cannot tell you. I have been nineteen years in the parish of Newtownhamilton, and it occurred immediately before I went there.

5728. *Chairman.*] Are you speaking of a case that occurred in the county of Monaghan?—Yes.

5729. A good many years ago?—More than twenty years ago.

5730. Do you mean to say that Mr. Garmany had no lease?—Yes.

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5731. Do you take upon yourself to say that he had no lease?—That is my impression.

5732. Do you mean to state of your own knowledge that this was a case between landlord and tenant, where there was no lease?—I mean to state that whether there was a lease or not, Mr. Garmany had no power to stay there at the expiration of a certain time, and I suppose it to be a case of that kind.

5733. Were you present at the trial, at Monaghan, in the case of Templetown against Garmany?—No.

5734. Then you do not know whether it was a breach of the conditions of the lease or not?—I am not prepared to state.

5735. You are giving a case where there was a service of a notice to quit, and certain acts of violence committed afterwards, and you were understood to state that there was no lease?—I never heard that there was a lease.

5736. Would you be surprised to hear that the action of Templetown against Garmany was an action for the violation of the covenants or conditions of the lease?—I should be surprised, but it makes no difference in considering this case an instance of loss and hardship to the tenant.

5737. Mr. *Hatchell.*] Are you sure that it was not an ejectment for nonpayment of rent?—I think it was not; but it does not alter the justice or the injustice of the case, whether there was a lease or not.

5738. *Chairman.*] Supposing there had been a lease, and conditions in a lease, would you not think that the tenant would be bound by the conditions in the lease as well as the landlord?—Yes.

5739. Would you not think, in every case where there is a lease, and a party holds under a lease, that he is bound by the covenants and conditions in the lease?—I do.

5740. That the landlord is bound, and that the tenant is bound?—Yes.

5741. Would there be any injustice in the landlord enforcing the conditions and covenants of his lease?—No, unless in enforcing the conditions and covenants the higher law of equity would be violated. I think that the higher law of equity might be violated by enforcing the covenants of a lease.

5742. Mr. *Solicitor-General for Ireland.*] Then what is the use of a contract?—That is a question for legal gentlemen to determine.

5743. If you make a contract with me for land in that district, and you agree with me that you will deal with it in a certain

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certain way, in point of equity or divinity, if not of law, are you commendable if you violate the contract which you have made with me?—I am bound by my contract; but I conceive you are not bound to do me injustice in any way by violating any principle of equity.

5744. What principle of equity is violated by my saying to you, "Here is the written engagement between us, and you must abide by its terms"?—I think there may often arise instances of hardship; I think that both parties are bound; but I merely submit to your greater experience in these matters, that very often in contracts hardship arises which was not contemplated by the parties.

5745. Can you conceive any system of law for civilized men which does not rest in enforcing contracts and engagements of one man with another?—Certainly not.

5746. Mr. *Bright*.] Is it not possible that differences having arisen between a landlord and tenant on some other matter, the landlord, to avenge himself, might avail himself of some mere nominal breach of contract to eject a tenant; and in the present state of the law, might not a tenant suffer very much by the loss of the improvements he had made?—Yes, I think so, and I know that such is the ordinary practice in Ireland, and that from the operation of these causes, the tenant in many cases cannot afford to keep a conscience.

5747. Have you reason to know that leases in your part of Ireland are very insecure, sometimes from the want of proper title in the landlord, and at other times from the multiplicity of matters introduced into leases?—Yes; I am aware of that.

5748. Do you conceive that cases of great injustice may arise, even where legal technicalities are observed?—I know one case at present which is a crying evil.

5749. Will you state that case?—It is on the property I have referred to, held by the descendants of the first Presbyterian minister of Newtownhamilton, Mr Alexander M'Combe. He received the townland of Altnameckan, on which my church stands, as an inducement to bring with him from the County Down a number of County Down men.

5750. Mr. *Solicitor-General for Ireland*.] When was this?—About 120 years ago; at that time this place was altogether in a wilderness state and condition. Mr. M'Combe succeeded in bringing a very large number of persons there, who formed the nucleus of the present estate, which Councillor Hamilton has in my part of the barony. After some time, I do not know how long, but I am aware of the fact, certain changes took

took place on that property ; and amongst those changes, the present Mr. Bond became entitled to that part of the estate; I am not prepared to say how, but I am aware that he is the landlord at present. Mr. M'Combe holds under an old lease for ever ; and, unfortunately, in some time of embarrassment he omitted to pay the renewal fines which were required to be paid. A number of people in that neighbourhood, some of whom belong to my congregation, had purchased and transferred, on the faith of the validity of Mr. M'Combe's title ; and Mr. M'Combe having forfeited his title by not paying the renewal fines, and not obeying the order which was made in the case by the Court in Dublin, his title was destroyed ; and of course all the inferior titles under it will cease at the death of Mr. M'Combe. The property is now in that state, that at Mr. M'Combe's death a number of highly respectable and highly intelligent persons will be, in fact, tenants at will under Mr. Bond.

5751. Mr. *Scully.*] Are they tenants under Mr. M'Combe? —Yes.

5752. Mr. *Solicitor-General for Ireland.*] This was a lease for lives, renewable for ever?—Yes.

5753. Under which the principal tenant held?—Yes.

5754. Was he bound to pay a small renewal fine to the head landlord?—Precisely so.

5755. Generally speaking, that fine is a very small one; do you know how much it was?—I think 30 *l.* a year, or thereabouts.

5756. On a large property?—Yes; the townland contains, I dare say, 120 acres.

5757. There were several tenants, and the immediate tenant was bound to pay the head rent?—Yes.

5758. And he did not pay the rent to the head landlord?—Yes.

5759. Do you know that it was in the power of the tenant by law to have paid that small renewal fine, and to have stopped it out of their next rents as between them and their immediate landlord, and to have preserved their title?—I do. I made the same remark to a very intelligent man, and he assured me, and I afterwards found out that his statement was true, that the tenants were kept in ignorance of the lapse, and that the first notice they got was that the title was broken.

5760. Did they not know they were holding under a person whose title was by lease for lives, renewable for ever?—Yes.

5761. Mr.

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5761. Mr. *Hatchell.*] Was the old lease renewable for ever also?—Yes.

5762. Were they paying their own landlord their own renewal fines?—I think they were not paying any renewal fines.

5763. Mr. *Caulfield.*] Is it not the case that the tenants, in these *toties quoties* leases, have a right to see the receipts of the middleman?—Yes.

5764. Mr. *Scully.*] Was not Mr. M'Combe in the nature of a middleman?—Yes.

5765. Mr. *Bright.*] Did Mr. M'Combe's tenants hold from him by lease renewable for ever, like his own lease?—I speak of tenants who hold by the *toties quoties* form of lease; and I think there were some tenants at will.

5766. Did the person of whom you have spoken as having left his property in this way, conceive that by the arrangements of the law he was made a victim?—Yes; and I also know from personal experience in reference to the payment of Mr. M'Combe's rent, and I know it from being in the houses of the parties at the time, that in some cases they had advanced a year's rent at the very time this lapse or fatal omission occurred. Mr. M'Combe was embarrassed, and the poor people never supposed that it was necessary to make any inquiry. No doubt they had the right, but there are many things of that kind to which farmers do not pay attention.

5767. Mr. *Solicitor-General for Ireland.*] What was the date of that transaction when the intermediate interest was lost?—I stated this to the Devon Commissioners; I cannot give the date exactly, but I think about 1840.

5768. Mr. *Scully.*] Were the rents of these small farmers, in your opinion, and in the opinion of other people capable of forming an opinion, high; or did they appear to be average rents previously to the year 1845?—Do you put that question in relation to all the landlords in my neighbourhood?

5769. Generally; what you know yourself of your own knowledge, or from your congregation?—I think the rents were too high.

5770. Since 1845 what changes have taken place with respect to the payment of rent; have the same rents been continued up to the year 1850?—No.

5771. Have reductions been made?—In some cases.

5772. Very large reductions?—I cannot say very large, but considerable reductions.

5773. What has been the amount of reduction?—In some cases

cases 4*s.* in the pound, and in other cases 6*s.* in the pound, which I believe is the highest reduction that has been made.

5774. With respect to the fall in agricultural produce, do you think that fall in the rent of 4*s.* and 6*s.* in the pound was a sufficient reduction in those holdings?—I think that in some cases it was sufficient, and in other cases it was not sufficient.

5775. Are there many holdings on which no reduction has been made?—I think so.

5776. Do you know that of your own knowledge?—I have heard so.

5777. What is the mode of cultivation of the land in that neighbourhood?—We can grow no wheat; the climate is so damp, that we cannot grow wheat. We grow flax, potatoes, and oats.

5778. Mr. *Solicitor-General for Ireland.*] Mangel wurzel?—Very little.

5779. Mr. *Scully.*] Has the failure of potatoes taken place to a great extent in that country?—Very much.

5780. Mr. *Caulfield.*] Are you a farmer yourself?—I am a clergyman, and I hold some land for the accommodation of my family.

5781. How many acres do you hold?—I hold at present about 35 Irish acres of land.

5782. Mr. *Scully.*] Has the loss to the farmers been very great in consequence of the failure of potatoes?—Very great.

5783. Is that the principal loss to which the farmers have been subject in the country?—Yes; but the correlative loss in every possible way, in feeding cattle, cows, and pigs, can scarcely be measured.

5784. Has there been a great falling off in the growth of corn in that country?—No; I think there has been an increase in the growth of oats. Parties who failed in growing potatoes, for instance, were forced to grow something; and when they could not manure and grow turnips, they were driven back on the oat cultivation, or, when the ground was rich, to flax.

5785. Mr. *Hatchell.*] Has there been any fall in the price of flax?—Not much.

5786. Mr. *Scully.*] Has there been any fall in the value of agricultural produce, as far as respects oats or flax; are oats as high now as they were 10 years ago?—I should say not.

5787. Mr. *Caulfield.*] Do you remember the difference in price?—No.

5788. Mr. *Scully.*] Has not the condition of the farmer been

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been very much reduced in consequence of the failure of potatoes?—Very much.

5789. Have high rents been paid since the year 1846, and has that conduced to the distress of the farmer?—Very much. I remember distinctly that when I was ordained in Newtownhamilton, in 1833, in making my first visitation to the families of my congregation I saw either bacon or other meat in the houses of the farmers; but I could travel a week through the parish and not see anything like that at present, or for some time past; and I believe the pawnbrokers' shops in the small towns would give a most startling indication of the rapid deterioration of that class, and of all the humbler classes.

5790. Mr. *Solicitor-General for Ireland.*] The small farmers?—Yes.

5791. Mr. *Scully.*] What measures do you think would improve the condition of the people; would give them more means and raise their social condition?—I think before all other matters there should be a security of tenure on fair principles to both landlord and tenant.

5792. Mr. *Bright.*] When you say "security of tenure," do you mean more than a fair compensation under a fair arbitration, in case of difference, for the improvements of the tenant?—I do.

5793. Mr. *Scully.*] Will you explain what you mean by the last answer?—I mean that a tenant who obeyed the law, and performed his contract, should not be disturbed unnecessarily and without compensation on the part of the landlord.

5794. Sir *J. Young.*] Do you mean that all lettings of land should be for ever?—I do not understand the bearings of the question.

5795. Supposing that a gentleman or any person has 100 acres of ground to let, and that a tenant comes to treat with him for it, do you mean to say that you should have a law that if he sells it to a tenant, it shall be let to the tenant for ever, provided the tenant pays the rent which is stipulated for it?—I mean that when a tenant takes a farm from a landlord at a rent agreed upon, that as long as the tenant pays that rent, and does not violate the law or his contract, he shall not be disturbed. I think the landlord should have the power of pre-emption, and that if he wished to absorb the tenant's farm he should pay for it.

5796. How do you distinguish such a plan as that from a compulsory law, to make every letting for ever?—I distinguish

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tinguish it in this way, that I leave the landlord still the power of pre-emption.

5797. Will not that be a law that every letting shall be for ever?—Holding that rent is the price of the assistance that land gives to labour, I conceive that the landlord's property is useless without the labour of the tenant, and that the cultivator has an original and indefeasible claim on the land as good as the landlord's, because he is the producer of the landlord's wealth.

5798. Mr. *H. Drummond.*] Suppose the landlord chose to turn all his land into a wilderness?—I think that would be rigidly enforcing the rights of property, but altogether destroying its duties, upon the infidel principle of a man doing what he pleases with his own. I hold that the landlord is only a steward under God, for purposes which he has revealed for his glory, and for the good of the people. God created the earth for man and not for beasts.

5799. Is not that a question of theology?—The two questions are akin, for civil government derives its authority from the law of God.

5800. Mr. *Scully.*] You are acquainted with a society called the Tenant League?—Yes.

5801. Is the Tenant League very extensive in the north of Ireland?—Do you mean the organization of the Tenant League?

5802. Yes?—I should say not; but its principles, I believe, thoroughly pervade the minds of the people.

5803. Are there any district societies in the neighbourhood in which you reside?—None.

5804. Have any been formed there?—None.

5805. Why have they not been formed there as well as in other parts of the north of Ireland?—I know of no reason except that owing to the unfortunate state of matters in our neighbourhood, gentlemen who are tenant right in their principles, not wishing to embarrass the authorities in any shape or form, have declined holding even meetings, and there has not been a tenant-right meeting in the barony of Upper Ferns, I think, for 10 or 12 years; and there is no Tenant League Society in that neighbourhood, that I am aware of.

5806. Mr. *Bright.*] Have you been one of those who have discountenanced the holding of meetings in that barony, and of forming a distinct branch of the Tenant League?—Yes, I am a member of the Tenant League Society, and have always opposed the holding of meetings in the barony until we are in a better social state, for obvious reasons: that the

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authorities might not be in any way embarrassed by such an agitation.

5807. In that view, have you been united with any other minister of religion in the barony?—Yes, the Roman-catholic clergy have taken that view.

5808. Has Mr. Lennon, who has been examined before this Committee, united with you in that opinion?—Decidedly.

5809. Have any other persons above the position of the smaller tenantry concurred with you in that view?—Persons of all creeds have taken that view. The Roman-catholic rector of Newtownhamilton, the Rev. Patrick Lamb and his curate, and the churchwardens of the Protestant Episcopalian Church, who are tenant right in their views, have taken the same view; and we have abstained from any agitation, or in any way interfering with the social condition of the district.

5810. Do you state distinctly to the Committee that one main reason why no agitation of this question has taken place there, and why no meetings have been held is, that you have been anxious to do nothing which would add to the excitement already prevailing, or give any cause of embarrassment to the authorities?—I do state most decidedly that that is the only reason, as far as I know, which has prevented these meetings.

5811. Mr. *Leslie.*] But you have had tenant-league meetings, have you not?—Yes.

5812. Where?—In Dublin and in Ballybay.

5813. And in Dundalk?—Yes.

5814. Mr. *Hatchell.*] In Limerick?—No.

5815. Mr. *Leslie.*] How far do you live from Dundalk?—My house, I think, is 12 miles from Dundalk.

5816. Mr. *Caulfield.*] You say you are yourself a member of the Tenant League?—Yes.

5817. Have you on different occasions taken an active part in the proceedings?—Yes.

5818. Have you favoured the cause of the Tenant League in the way of soliciting subscriptions, and in forwarding petitions to be presented to Parliament, and otherwise?—Yes.

5819. Have you sent me petitions?—No; I sent petitions to Sir William Verner, but I wrote to you.

5820. Mr. *Hatchell.*] What is the greatest distance from your home that you have gone?—To Dublin. I was twice in Dublin at a meeting of the Tenant League.

5821. Did you speak there?—No; I happened to be on a deputation, on one occasion, to the Lord Lieutenant, or perhaps I should not have been there at that particular time.

5822. Mr. *Scully.*] Do you know the Tenant Right Society,

as

as it exists in any other part of Ireland?—I observe the reports of these institutions, but I am not prepared to answer specifically.

5823. Do you know what effects those societies have on the neighbourhood where they exist?—Yes, I do.

5824. What are the effects?—All that I know of the effects of these societies is, that in no case has any individual connected with them been accused of crime, as far as I am aware; and none of the murders have been committed in districts where they exist. I was urged by a gentleman not long since to help to form a society in my neighbourhood for the purpose, as he said, of turning into a constitutional form the discontent of the people.

5825. Mr. *Leslie.*] You say that you object to holding meetings in the barony of Upper Fews, because you think they would embarrass the authorities?—I have not said so. What I meant to convey was, that rather than appear in any way to embarrass the authorities, we abstained from holding meetings; but I hold that if we had done our duty properly to society, we should have held those meetings; for I have found they are safety-valves to enable the people to present their grievances in a constitutional way to the Legislature.

5826. Does it not appear to be the same thing if you hold meetings of the Tenant League in other parts; for instance, in Ballybay?—Unfortunately we have had very horrible crimes committed in our neighbourhood; and you may hear that other parts of the Empire look upon that neighbourhood as very bad; but in other districts where these things have not existed, where crimes have not been committed, I submit that you may discuss a matter perhaps with less appearance of creating a violent agitation than where those grievances exist.

5827. Have not outrages of a very serious description been committed immediately in the neighbourhood of Dundalk, where these meetings were held?—Yes, there was a very bad case of an attack on Mr. Eastwood.

5828. If your only object is not to meet in a disturbed district, or in a neighbourhood where outrages are committed, why have you held meetings in Dundalk?—There have been no meetings since that atrocious attempt on Mr. Eastwood's life in that neighbourhood.

5829. Mr. *Hatchell.*] Were not the meetings very frequent previous to the attempt on Mr. Eastwood's life?—I think there were two tenant-right meetings in Dundalk, and I attended one of them.

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5830. Did they not both precede the murder of Mr. Eastwood?—They were long previously.

5831. Mr. *Leslie.*] Did you attend a meeting where Mr. Lennon was elected secretary of the Tenant League Club?—No.

5832. Do you not belong to that club?—No, I belong to no club.

5833. Mr. *Solicitor-General for Ireland.*] Have you not been for some time a distinguished member of the Tenant League?—I have been a member of the Tenant League since it was constructed.

5834. Are not you the gentleman whose eloquent speeches have been so frequently reported in the journals?—I am not aware that I ever spoke in my life so as to be reported, except in Dundalk and Armagh.

5835. Did you speak at Crossmaglen?—That was a private dinner given to a good landlord.

5836. Did not you speak at a public dinner where the Press were present in Crossmaglen, when the Reverend Mr. Lennon was in the chair?—Yes.

5837. Did you speak twice that night?—Perhaps I did.

5838. Did not you speak twice?—I may have spoken three or four times; I cannot say at this distance of time.

5839. Two long speeches?—No, I did not make a long speech.

5840. Did you ever see those speeches afterwards?—I cannot say.

5841. Was your speech spoken that night, regarding landlords, reported in the language in which you spoke it?—Certainly not; it was condensed very much.

5842. Mr. *Scully.*] Was that dinner given to a landlord?—Yes; to Mr. Jordan, who has done justice to his tenants by valuing and setting his land at a fair rent.

5843. Mr. *Solicitor-General for Ireland.*] Did you, upon that occasion speak, as you felt, severely of the conduct of landlords?—I do not think I ever spoke severely, either then or at any other time.

5844. There are degrees of severity?—Yes, as you are well aware.

5845. Have you not advocated fixity of tenure?—Yes.

5846. And what is called compensation for improvements?—Yes.

5847. And what is popularly understood by tenant-right?—Yes.

5848. Did you upon that occasion speak of landlords as exterminators?—

exterminators?—I do not remember that I used the term; but if I had used the term, I do not think it would be contrary to the fact.

5849. Are you a subscriber to the "Dundalk Democrat"?—No.

5850. Do you read the "Dundalk Democrat" regularly?—No.

5851. Do you read it occasionally?—I have seen it.

5852. Do you approve of the general scope of its articles?—I have seen nothing in them which strikes me as remarkable. In Irish politics it is our custom to speak out on all sides.

5853. Have you seen nothing that is remarkable in the "Dundalk Democrat"?—No.

5854. Do you represent to the Committee that the writing in that journal, which circulates in this particular district, is fair, and in favour of peace, order, and tranquillity?—All that I am prepared to say upon that point is, that any number that I have seen of the "Dundalk Democrat," about the time of the trial, or the notice for trial, appeared to me to be strongly written, and not to be contrary to the principles of British liberty.

5855. That is upon the indictment which was found against that paper for sedition?—I do not speak particularly. I have said that I have only occasionally, in a friend's house, taken up the paper, and I have seen nothing, on these cursory glances at the articles, countenancing or advising crime.

5856. Do you see the paper every week?—No, nor every year.

5857. Have you read that paper often?—No.

5858. How often in the year have you read it?—I may have seen it twice or three times in the year, and sometimes oftener.

5859. That is all?—Yes.

5860. And your own speeches that have been reported, you have not read?—I got copies of the paper which contained a report of the meeting, and I observed that the speeches were very much condensed; but more than that, at this distance of time, I cannot say.

5861. Were the proceedings at the Ballybay meeting reported?—I dare say they were.

5862. Did you speak at that meeting?—There have been several meetings; do you mean the last?

5863. I mean any great meeting at Ballybay?—I spoke at one meeting.

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5864. Was not that a very large meeting?—Yes.

5865. Did you advocate there what is called fixity of tenure?—No.

5866. What did you advocate?—It was a mere matter of compliment at the end of the proceedings. I made no speech on the merits of the question there; but there was a soirée in the evening, at which I spoke. I do not remember what I said.

5867. You do not recollect?—It was not reported.

5868. *Chairman.*] Was that meeting held before or after the murder of Mr. Bateson?—Long previously to the murder of Mr. Bateson.

5869. Mr. *Solicitor-General for Ireland.*] You belong to the parish of Newtownhamilton?—Yes.

5870. Is Mr. McClean now at the parish of Tynon?—Yes.

5871. Is there a good deal of prosperity and apparent comfort in that parish?—Yes; I believe so.

5872. Has there been a vast deal of crime in the parish of Creggan, from the murder of Mr. Powell down to the present time?—Mr. Powell's murder was committed in Newtownhamilton.

5873. Were any of your flock accused of being concerned in that murder?—No; the parties who were accused and tried came a distance of seven or eight miles.

5874. Have a great number of murders been since committed in that district?—Yes.

5875. Have you been examined in reference to any of the parties tried?—Yes.

5876. What parties?—There were two hearers of mine tried for murder.

5877. What were their names?—Thompson.

5878. Do you belong at present to the Synod of Ulster?—I belong to the General Assembly.

5879. You have been in your present parish a good many years?—Nineteen years.

5880. You have mentioned to the Committee two cases; that is, the case about Lord Templetown, and the case of the tenants who did not look at the covenants by which the superior landlord was bound?—Yes; but there are a great number of other cases; and the reason I merely referred to those which I have mentioned is, that I consider that, as they have no reference to any individual, the mention of whose name can be converted into evil, I am free to mention them.

5881. Mr. *Scully.*] Without mentioning names, are there not

not cases in that country with which you are acquainted, where from the conduct of individuals, you have characterized them as exterminators?—I regret to say that in the case of Mr. Mauleverer and Mr. Bateson, things were done which convinced the people in the neighbourhood that they were not likely to get just treatment from them.

5882. Mr. *Bright.*] Were many persons evicted?—In the case of Mr. Bateson there were a considerable number.

5883. Mr. *Solicitor-General for Ireland.*] Are you sure of that?—I have always heard so.

5884. Are you sure of it?—I am sure of it.

5885. Can you specify a distinct number to which you will pledge yourself?—All that I can venture to say on that subject is, that I have repeatedly seen Mr. Bateson's model farm year after year enlarged by throwing into it adjacent farms; and I heard the people say that he was moving the landmarks, and absorbing the property into his own model farm.

5886. Mr. *Bright.*] Were a number of notices served by Mr. Mauleverer?—Yes.

5887. Are you near the property for which Mr. Mauleverer was agent?—Yes; and I am within seven miles of the spot where he was murdered.

5888. Did you happen to know him?—I never saw him.

5889. Mr. *Scully.*] Do you know the case of Mr. Chambrè?—I have heard of it.

5890. Do you know any particulars of it of your own knowledge, with respect to dealings with the tenants?—Nothing further than that he was supposed to be one of the highest setters of land in the county of Armagh.

5891. Do you think that the outrages which have occurred in those districts are the result of Ribbon conspiracy?—I cannot say what may have been the agency employed; I am not cognizant of that; but I feel satisfied, in my own judgment and conscience, that they arose from the unfortunate state of the relations between landlord and tenant. I do not impute them to religion or to politics; and I say further, that when the State has not provided a constitutional remedy for social wrongs, the principles of our nature look for a remedy, and bad men, taking advantage of that, very often commit crime. Coercion, without remedial measures, will only aggravate the disorders of the community. Justice is the only firm basis of public order. The oppression of rack-rents and of extra police taxation, punishing the innocent for the guilty, exasperates and disturbs the community, and drives multitudes away to a land where labour finds its reward.

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5892. *Chairman.*] In the case of Mr. Chambrè, was there anything between him and his tenants of wrong or oppression that you are aware of?—All that I know of that case is, that Mr. Chambrè was a very high setter of land, and that he had served notices to quit on a number of his tenants previously to his murder.

5893. Did you ever know him to dispossess a tenant?—I am not aware; all that I say is, that he had served notices to quit, which I am prepared to prove.

5894. When?—A very short time previously to the outrage.

5895. Mr. *Scully.*] Has the number of ejectments increased in that district within the last few years?—I should say so, considerably.

5896. Mr. *Caulfield.*] Did you mean notices of ejectments, or absolute ejectments?—I think it will be found that in Mr. Mauleverer's case a vast number of notices had been served, but not brought to maturity; and that after that horrible deed these notices lapsed, or the legal processes did not go in.

5897. Mr. *Solicitor-General for Ireland.*] Do you happen to know that those notices were served on the actual occupiers, for the purpose of evicting from land held under a lease by a middleman, who had not paid the head-rent to the landlord?—I heard so; I happen to know this, which is the only fact I can state to the Committee, that a week before Mr. Mauleverer's murder, on the property of Mr. Quinn, a number of persons were actually ejected; and I was told by a very respectable and intelligent person that the people considered this was the beginning of putting persons out of their land; and that it hastened the consummation of the crime. The same remark is applicable to Mr. Eastwood. I was in Newtownhamilton a week before the attempt on Mr. Eastwood, and I saw persons going from Armagh with crowbars, in the direction of Mr. Eastwood's house, to execute ejectments upon Mr. Murphy's property.

5898. Mr. *Caulfield.*] Then you do not think the attack on Mr. Eastwood was for the purpose of robbery?—I cannot say; there are very curious matters about it.

5899. Have you formed any private opinion upon it?—Yes; Mr. Eastwood has the character of a good landlord.

5900. Do you think it was an agrarian outrage?—I have heard different statements about a public-house and a licence, but I was told by a very experienced stipendiary magistrate, who

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who has been long resident in the country, that he never knew a case of agrarian outrage connected with robbery; therefore, as there was robbery in this case, I am unable to come to a decided opinion.

5901. Do you think it is a doubtful case?—Yes.

5902. Mr. *Bright.*] Are you intimately acquainted with the Roman-catholic clergymen in your parish and neighbourhood?—Yes.

5903. And also with the Episcopalian clergymen?—Yes.

5904. Is there generally a feeling of harmony amongst all the ministers of religion?—Yes; and co-operation in charity.

5905. Can you undertake to state to the Committee that the united influence of all the ministers of religion in that district, as far as you are acquainted with them, has been exerted in favour of peace, and to discountenance as much as possible these outrages?—I do most decidedly; of all denominations.

5906. Do you think that it is possible to show that any one has been more anxious to put down these outrages than another?—I really could not specify any clergyman. I believe the rector of the Established Church, who is a very excellent, worthy man, Mr. Disney, has done all in his power to keep peace, and to advise peace. My neighbour, the Rev. Mr. Lamb, has exerted himself in every way.

5907. Is he a Roman-catholic minister?—Yes. Mr. Lennon's exertions for peace are well known and highly appreciated; his character is amiable in every way, and he has done so much, as far as I know, to assuage any feeling of irritation, that I am quite prepared to state that everything has been done that clergymen could do to advise the people to be peaceable and orderly, and to bear injustice and wrong rather than resent it.

5908. Mr. *Scully.*] Is there a feeling among the Presbyterians, as well as Roman-catholics, of sympathy with the individuals accused of committing crime in that country?—I do not wish to say that any persons sympathise with crime; I have no doubt that such is the fact that many, of all creeds, sympathise with the perpetrators of crime; but I wish to state that almost every person whom I meet (I cannot make an exception) condemns the causes which have led to these outrages, as the provocations which made the crimes.

5909. Sir *J. Young.*] What is the general size of the holdings in that district?—The district is a very peculiar one. There are some parts of it with large holdings, and other portions

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portions of it with small holdings, and I am not prepared to answer that question distinctly.

5910. Mr. *H. Drummond.*] What do you call a large holding?—In the parish of Newtownhamilton we have large holdings, 50 acres Irish measure.

5911. Sir *J. Young.*] In the neighbourhood where you live, what is the size of the holdings?—Twelve and fifteen, and twenty and twenty-five acres.

5912. Are there any so low as three or five acres?—There are some, but not many now.

APPENDIX.

PAPERS delivered in by *H. J. Brownrigg*, Esq., 30 April 1852.

— No. 1. —

(I.)—RETURN of the Number of Cases in which Parties have been made Amenable in the Year 1849.

OFFENCES.	Total Number of Cases.	Convictions.	Acquittals.	Bills Ignored.	No Trial.
Cases in which the Constabulary gave Evidence.					
At Assizes:					
Against the Person:					
Homicide	163	59	39	19	46
Infanticide	28	10	7	7	4
Firing at the Person, and administering poison	44	15	11	9	9
Other serious offences against the person	180	81	26	30	43
Total	415	165	83	65	102
Other offences	3,176	1,996	464	247	469
Total at Assizes	3,591	2,161	547	312	571
Total of all cases at General Sessions	10,042	6,912	1,425	819	886
Total cases at Assizes and General Sessions, in which the Constabulary gave evidence	13,633	9,073	1,972	1,131	1,457
[a] Number of all kinds of cases at Assizes and General Sessions, in which the constabulary did not give evidence	[a] 12,531	5,476	2,391	2,342	2,322
General Total of all cases at Assizes and Sessions	26,164	14,549	4,363	3,473	3,779
Cases summarily disposed of by magistrates	172,845	101,483	49,837	- -	21,525
Grand Total	199,009	116,032	54,200	3,473	25,304

Offences against the Person:				
In 1849, the total number of—				
Homicides reported was	203	and of persons arrested for that offence		473
Infanticides	120	"	"	" - 82
Cases of firing at the person and administering poison	98	"	"	" - 136
Other serious offences against the person	1,175	"	"	" - 10,936
Minor offences against the person	18,550	"	"	" -
Total	20,146		Total	11,627
Total of all other offences specially or otherwise reported	189,535	All other arrests		100,566
General Total	209,681	General Total		112,193

Note.—For most of the minor offences included in the foregoing statement, the parties were not arrested, but made amenable by summons; hence the apparent small proportion of the number of arrests to the number of offences.

a The offenders in these cases were made amenable by the constabulary, although the latter were not called upon to give evidence.

(II.)—RETURN of the Number of PERSONS Arrested in the Year 1849, for the Offences specified opposite.

OFFENCES.	Total Number of Persons brought to Trial.	Convicted.	Acquitted.	No Bill.	Not Tried.	Sentenced to Death.	For Transportation.
CASES in which the Constabulary were Prosecutors.							
AT ASSIZES:							
Against the Person:							
Homicide - - -	306	88	90	34	94	23	9
Infanticide - - -	36	10	11	11	4	3	4
Firing at, &c. - - -	96	23	18	18	37	1	14
Other serious offences -	373	150	74	46	103	[a] 4	37
Total - - -	811	271	193	109	238	31	64
Other offences - - -	5,043	2,713	975	467	888	[b] 3	795
Total at Assizes -	5,854	2,984	1,168	576	1,126	34	859
At General Sessions -	14,927	9,212	2,847	1,350	1,518	- -	1,400
Total Number of Persons at Assizes and General Sessions prosecuted by Constabulary - -	20,781	12,196	4,015	1,926	2,644	34	2,259
Number of Persons at Assizes and General Sessions, against whom the Constabulary did not give evidence - - -	[c] 21,571	7,876	4,476	4,494	4,725	3	460
General Total of Persons tried at Assizes and Quarter Sessions	42,352	20,072	8,491	6,420	7,369	37	2,719
TOTAL of all Arrests within the year -	112,193	—	—	—	—	—	—

a Three of these were sentenced to death for conspiracy to murder, and one for assault and robbery.

b Two of these for burglary and robbery, and one for arson.

c The offenders in these cases were made amenable by the constabulary, although the latter were not called upon to give evidence.

No record in this office of the number of persons tried at petty sessions.

Constabulary Office, Dublin Castle,
1 April 1850.

D. M'Gregor.

—No. 2.—

(I.)—RETURN of the Number of Cases in which Parties have been made Amenable in the Years 1849 and 1850.

OFFENCES.	1849. Total Number of Cases.	Convictions.	Acquittals	Bills Ignored.	No Trial.	1850. Total Number of Cases.	Convictions.	Acquittals	Bills Ignored.	No Trial.
Cases in which the Constabulary gave Evidence.										
At Assizes:										
Against the Person:										
Homicide	163	59	39	19	46	165	60	44	14	47
Infanticide	28	10	7	7	4	26	10	5	6	5
Firing at the person and administering poison	44	15	11	9	9	22	5	10	3	4
Other serious offences against the person	180	81	26	30	43	164	74	36	22	32
Total	415	165	83	65	102	377	149	95	45	88
Other offences	3,176	1,996	464	247	469	2,317	1,649	313	169	186
Total at Assizes	3,591	2,161	547	312	571	2,694	1,798	408	214	274
Total of all cases at General Sessions	10,042	6,912	1,425	819	886	8,605	6,213	1,198	663	531
Total cases at Assizes and General Sessions, in which the Constabulary gave evidence	13,633	9,073	1,972	1,131	1,457	11,299	8,011	1,606	877	805
[a] No. of all kinds of cases at Assizes and General Sessions, in which the Constabulary did not give evidence	[a]12,531	5,476	2,391	2,342	2,322	[a] 8,038	3,638	1,601	1,466	1,333
General Total of all cases at Assizes and Sessions.	26,164	14,549	4,363	3,473	3,779	19,337	11,649	3,207	2,343	2,138
Cases summarily disposed of by magistrates [b]	172,845	101,483	49,837	- -	21,525	194,844	114,639	50,166	- -	30,039
Grand Total	199,009	116,032	54,200	3,473	25,304	214,181	126,288	53,373	2,343	32,177

Comparative Return of Outrages and Arrests.

OUTRAGES.	Number Reported In 1849.	In 1850.	ARRESTS.	Number In 1849.	In 1850.
Offences against the Person:					
Homicide	203	139	For Homicide	473	291
Infanticide	120	101	" Infanticide	82	108
Firing at the person and administering poison	98	66	" Firing at the person, &c.	136	98
Other serious offences against the person	1,175	1,213	" Other serious offences	10,936	11,735
Minor offences, ditto	18,550	23,022	" Minor offences		
Total	20,146	24,541	Total	11,627	12,232
All other offences specially or otherwise reported	189,535	200,041	All other arrests	100,566	110,836
General Total	209,681	224,582	General Total	112,193	123,068

Note.—For most of the minor offences included in the foregoing statement the parties were not arrested, but made amenable by summons; hence the apparent small proportion of the number of arrests to the number of offences.

a The offenders in these cases were made amenable by the constabulary, although the latter were not called upon to give evidence.

b No record in this office of the number of persons tried at petty sessions.

(II.)—RETURN of the Number of Persons Arrested in the Years 1849 and 1850, for the Offences specified Opposite.

OFFENCES.	1849.							1850.						
	Total Number of Persons brought to Trial.	Convicted.	Acquitted.	No Bill.	Not Tried.	Sentenced to Death.	For Transportation.	Total Number of Persons brought to Trial.	Convicted.	Acquitted.	No Bill.	Not Tried.	Sentenced to Death.	For Transportation.
Cases in which the Constabulary were Prosecutors.														
At Assizes:														
Against the Person:														
Homicide	306	88	90	34	94	23	9	315	82	87	20	126	13	10
Infanticide	36	10	11	11	4	3	4	31	10	6	8	7	2	—
Firing at, &c.	96	23	18	18	37	1	14	43	5	21	4	13	1	1
Other serious offences	373	150	74	46	103	[a]4	37	274	113	71	35	55	- -	21
Total	811	271	193	109	238	31	64	663	210	185	67	201	16	32
Other offences	5,043	2,713	975	467	888	[b]3	795	3,628	2,292	677	320	339	[c]4	468
Total at Assizes	5,854	2,984	1,168	576	1,126	34	859	4,291	2,502	862	387	540	20	500
At General Sessions	14,927	9,212	2,847	1,350	1,518	- -	1,400	12,168	8,020	2,237	1,012	899	- -	1,078
Total Number of Persons at Assizes and General Sessions prosecuted by Constabulary	20,781	12,196	4,015	1,926	2,644	34	2,259	16,459	10,522	3,099	1,399	1,439	20	1,578
Number of persons at Assizes and General Sessions, against whom the Constabulary did not give evidence	[d]21,571	7,876	4,476	4,494	4,725	3	460	13,927	5,318	2,867	2,959	2,783	- -	208
General Total of Persons tried at Assizes and Quarter Sessions.	42,352	20,072	8,491	6,420	7,369	37	2,719	30,386	15,840	5,966	4,358	4,222	20	1,786
Total of all Arrests within the Year	112,193	- -	- -	- -	- -	- -	- -	123,068	—	—	—	—	—	—

[a] Three of these were sentenced to death for conspiracy to murder, and one for assault and robbery.
[b] Two of these for burglary and robbery, and one for arson.
[c] Two of these for sacrilege, and two for arson.
[d] The offenders in these cases were made amenable by the constabulary, although the latter were not called upon to give evidence.

Constabulary Office, Dublin Castle, April 1851.

D. M'Gregor.

— No. 3. —

(I.)—RETURN of the Number of Cases in which Parties have been made Amenable in the Years 1850 and 1851.

OFFENCES.	1850.					1851.				
	Total Number of Cases.	Convictions.	Acquittals	Bills Ignored.	No Trial.	Total Number of Cases.	Convictions.	Acquittals	Bills Ignored.	No Trial.
Cases in which the Constabulary gave Evidence.										
At Assizes:										
Against the Person:										
Homicide	165	60	44	14	47	141	58	31	21	31
Infanticide	26	10	5	6	5	38	12	8	12	6
Firing at the person and administering poison	22	5	10	3	4	41	9	12	10	10
Other serious offences against the person.	164	74	36	22	32	195	83	44	25	43
Total	377	149	95	45	88	415	162	95	68	90
Other offences	2,317	1,649	313	169	186	2,114	1,532	303	134	145
Total at Assizes	2,694	1,798	408	214	274	2,529	1,694	398	202	235
Total of all cases at General Sessions	8,605	6,213	1,198	663	531	7,255	5,452	948	474	381
Total cases at Assizes and General Sessions, in which the Constabulary gave evidence	11,299	8,011	1,606	877	805	9,784	7,146	1,346	676	616
[a] No. of all kinds of cases at Assizes and General Sessions, in which the Constabulary did not give evidence	8,038	3,638	1,601	1,466	1,333	5,623	2,637	1,137	955	894
General Total of all cases at Assizes and Sessions	19,337	11,649	3,207	2,343	2,138	15,407	9,783	2,483	1,631	1,510
Cases summarily disposed of by magistrates [b]	194,844	114,639	50,166	-	30,039	211,685	131,097	50,354	-	30,234
Grand Totals 1850 and 1851	214,181	126,288	53,373	2,343	32,177	227,092	140,880	52,837	1,631	31,744
Grand Total 1849	199,009	116,032	54,200	3,473	25,304	—	—	—	—	—

Comparative Return of Outrages and Arrests.

OUTRAGES.	Number Reported in			ARRESTS.	Number Arrested in		
	1849.	1850.	1851.		1849.	1850.	1851.
Offences against the Person:				Offences against the Person:			
Homicide	203	139	157	For homicide	473	291	190
Infanticide	120	101	136	– Infanticide	82	108	134
Firing at the person and administering poison	98	66	50	– Firing at the person, &c.	136	98	79
Other serious offences against the person	1,175	1,213	1,252	– Other serious offences	10,936	11,735	10,671
Minor offences - ditto	18,550	23,022	23,589	– Minor offences			
Total	20,146	24,541	25,184	Total	11,627	12,232	11,074
All other offences specially or otherwise reported	189,535	200,041	188,950	All other arrests	100,566	110,836	110,856
General Total	209,681	224,582	214,134	General Total	112,193	123,068	121,930

Note.—For most of the minor offences included in the foregoing statement, the parties were not arrested, but made amenable by summons; hence the apparent small proportion of the number of arrests to the number of offences.

[a] The offenders in these cases were made amenable by the constabulary, although the latter were not called upon to give evidence.

[b] No record in this office ot the number of persons tried at petty sessions.

(II.)—RETURN of the Number of Persons for Trial (showing the Result) in the Years 1850 and 1851, distinguishing the more serious Offences.

OFFENCES.	1850. Total Number of Persons brought to Trial.	Convicted.	Acquitted.	No Bill.	Not Tried.	Sentenced to Death.	For Transportation.	1851. Total Number of Persons brought to Trial.	Convicted.	Acquitted.	No Bill.	Not Tried.	Sentenced to Death.	For Transportation.
Cases in which the Constabulary were Prosecutors.														
At Assizes:														
Against the Person:														
Homicide	315	82	87	20	126	13	10	236	72	58	37	69	10	4
Infanticide	31	10	6	8	7	2	—	45	14	9	14	8	2	—
Firing at, &c.	43	5	21	4	13	1	1	64	11	17	14	22	2	4
Other serious offences	274	113	71	35	55	-	21	318	135	69	41	73	-	28
Total	663	210	185	67	201	16	32	663	232	153	106	172	14	36
Other offences	3,628	2,292	677	320	339	[a] 4	468	3,019	1,992	562	222	243	[b] 2	484
Total at Assizes	4,291	2,502	862	387	540	20	560	3,682	2,224	715	328	415	16	520
At General Sessions	12,168	8,020	2,237	1,012	899	-	1,078	10,091	6,885	1,784	782	640	-	1,075
Total Number of Persons at Assizes and General Sessions prosecuted by Constabulary	16,459	10,522	3,099	1,399	1,439	20	1,578	13,773	9,109	2,499	1,110	1,055	16	1,595
Number of persons at Assizes and General Sessions against whom the Constabulary did not give evidence	[c] 13,927	5,318	2,567	2,959	2,783	-	298	[c] 9,181	3,764	2,100	1,679	1,638	1	240
General Total of Persons Tried at Assizes and Quarter Sessions for 1850 and 1851	30,386	15,840	5,966	4,358	4,222	20	1,786	22,954	12,873	4,599	2,789	2,693	17	1,835
Ditto for 1849	42,352	20,072	8,491	6,420	7,369	37	2,719	—	—	—	—	—	—	—

[a] Two of these were sentenced to death for sacrilege, and two for arson.

[b] One of these for arson, and one for an unnatural crime.

[c] The offenders in these cases were made amenable by the constabulary, although the latter were not called on to give evidence.

Constabulary Office, Dublin Castle,
February 1852.

D. M'Gregor.

— No. 4.—

RETURN of Agrarian Outrages in the County of *Armagh* in 1844, 1845, and in 1850, 1851.

Agrarian Outrages, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	–	3	3	Homicide	[a] 1	3	4
Firing at the person	–	1	1	Firing at the person	[b] 1	4	5
Aggravated assault	–	5	5	Aggravated assault	1	15	16
Incendiary fire	–	8	8	Incendiary fire	2	7	9
Cattle stealing	–	10	10	Cattle stealing	–	6	6
Killing or maiming cattle	–	1	1	Killing or maiming cattle	4	1	5
Threatening notices	3	6	9	Threatening notices	6	19	25
Attacking houses	–	2	2	Attacking houses	1	2	3
Resistance to legal process	–	3	3	Resistance to legal process	–	–	–
Levelling	–	–	–	Levelling	2	–	2
Injury to property	1	18	19	Injury to property	–	15	15
Rescue of distraint	1	–	1	Rescue of distraint	–	–	–
Totals	5	57	62	Totals	18	72	90
Total of all kinds	5	123	128	Total of all kinds	18	114	132

[a] Homicide of Christopher Jordan, in which case Peter Magill was brought to trial for burglary, and sentenced to transportation for life. The jury had disagreed in the murder case.

[b] Firing at John Miller; Sam. Miller brought to trial. Bill ignored.

Comparative Statement.

Agrarian outrages reported in 1844	5	
Ditto ditto in 1850	79	
Increase of 1850 over 1844		74
Agrarian outrages reported in 1845	18	
Ditto ditto in 1851	96	
Increase of 1851 over 1845		78
Increase of 1851 over 1844		91

Agrarian Outrages, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	[a] 1	5	6	Homicide	–	7	7
Aggravated assault	9	27	36	Aggravated assault	8	37	45
Incendiary fire	14	20	34	Assault on bailiffs	1	–	1
Robbery	1	20	21	Incendiary fire	5	14	19
Killing or maiming cattle	1	1	2	Killing or maiming cattle	1	4	5
Administering oaths	2	–	2	Robbery of arms	1	–	1
Threatening notices	47	15	62	Appearing armed	1	1	2
Resistance to legal process	1	1	2	Administering oaths	10	1	11
Levelling	2	–	2	Threatening notices	56	36	92
Injury to property	1	3	4	House attacks	6	2	8
				Levelling	1	1	2
				Injury to property	5	9	14
				Resistance to legal process	1	4	5
Totals	79	92	171	Totals	96	116	212
Total of all kinds	79	170	249	Total of all kinds	96	207	303

[a] Murder of Mr. Mauleverer.

Agrarian Outrages of first Three Months of 1852.

Homicide	–	
Firing at the person	1	M. Chambré, esq.
Aggravated assault	4	
Threatening notices	23	
Incendiary fire	1	
Killing or maiming cattle	1	
Total	30	

— No. 5. —

RETURN of Agrarian Outrages in the County of *Louth* in 1844, 1845, and in 1850, 1851.

Agrarian Outrages, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	–	1	1	Homicide	–	1	1
Firing at the person	–	–	–	Firing at the person	[a] 1	–	1
Aggravated assault	–	11	11	Aggravated assault	–	8	8
Incendiary fire	–	3	3	Incendiary fire	1	2	3
Cattle stealing	–	9	9	Cattle stealing	–	15	15
Killing and maiming cattle	–	2	2	Killing and maiming cattle	2	4	6
Threatening notice	2	9	11	Threatening notice	8	8	16
Attacking Houses	1	6	7	Attacking Houses	–	–	–
Resistance to legal process	–	2	2	Resistance to legal process	–	1	1
Levelling	–	–	–	Levelling	–	1	1
Injury to property	2	6	8	Injury to property	2	4	6
Firing into dwellings	–	–	–	Firing into dwellings	–	1	1
Totals	5	49	54	Totals	14	45	59
Total of all kinds	5	86	91	Total of all kinds	14	72	86

[a] Firing at Mr. Wm. Bailey, of Annaghvackey. No person was ever brought to trial.

Comparative Statement.

Agrarian outrages reported in 1844	5	
Ditto ditto in 1850	34	
Increase of 1850 over 1844		29
Agrarian outrages reported in 1845	14	
Ditto ditto in 1851	73	
Increase of 1851 over 1845		59
Increase of 1851 over 1844		68

AGRARIAN OUTRAGES, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	–	–	–	Homicide	[c] 1	2	3
Firing at the person	[a] 1	–	1	Firing at the person	[d] 1	1	2
Aggravated assault	[b] 1	8	9	Aggravated assault	13	10	23
Incendiary fire	1	6	7	Incendiary fire	5	13	18
Threatening notice	20	6	26	Threatening notice	50	16	65
House attack	8	–	8	Administering oaths	–	–	–
Resistance to legal process	1	–	1	Injury to property	2	5	7
Levelling	1	–	1	Levelling	1	–	1
Injury to property	1	2	3				
Totals	34	22	56	Totals	73	46	119
Total of all kinds	34	82	116	Total of all kinds	73	95	168

[a] Patt Rooney, farmer.
[b] John M'Kenna, labourer.
[c] Bernard M'Entaggert, farmer's son.
[d] James Eastwood, esq., D.I.

AGRARIAN OUTRAGES of first Three Months of 1852.

Homicide	–	
Aggravated assault	1	John Boyle.
Incendiary fire	1	
Threatening notices	21	
Total	23	

—No. 6.—

RETURN of Agrarian Outrages in the County of *Down*, reported in 1844, 1845, and in 1850, 1851.

Agrarian Outrages, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	–	5	5	Homicide	–	3	3
Aggravated assault	–	17	17	Aggravated assault	–	12	12
Incendiary fire	2	9	11	Incendiary fire	4	7	11
Cattle stealing	–	8	8	Cattle stealing	–	9	9
Killing or maiming cattle	–	2	2	Killing or maiming cattle	1	–	1
Threatening notices	1	2	3	Threatening notices	3	4	7
Attacking houses	–	–	–	Attacking houses	–	1	1
Resistance to legal process	–	1	1	Resistance to legal process	–	–	–
Levelling	1	–	1	Levelling	–	–	–
Injury to property	2	8	10	Injury to property	1	7	8
Firing into dwellings	–	–	–	Firing into dwellings	–	2	2
Rescue of distrained property	–	2	2	Rescue of distrained property	–	–	–
Totals	6	54	60	Totals	9	45	54
Total of all kinds	6	113	119	Total of all kinds	9	112	121

Comparative Statement.

Agrarian outrages reported in 1844	6	
Ditto ditto in 1850	84	
Increase of 1850 over 1844		78
Agrarian outrages reported in 1845	9	
Ditto ditto in 1851	44	
Increase of 1851 over 1845		35
Increase of 1851 over 1844		38

Agrarian Outrages, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide - - -	[a] 2	6	8	Homicide - - -	–	5	5
Incendiary fire - -	20	26	46	Firing at the person -	[b] 1	1	2
Killing or maiming cattle -	2	2	4	Incendiary fire - -	19	34	53
Theatening notice - -	53	11	64	Robbery - - -	1	13	14
Injury to property - -	7	7	14	Threatening notice - -	21	13	34
				Unlawful assembly -	1	–	1
				Firing into dwellings -	1	1	2
Totals - - -	84	52	136	Totals - - -	44	67	111
Total of all kinds -	84	202	286	Total of all kinds -	44	222	266

[a] Murder of Ellen M'Ilhon and Eliza Crickard, suffocated at the incendiary fire of Bernard Carney's house.
[b] Firing at W. Tatlow esq. (land agent).

Agrarian Outrages of first Three Months of 1852.

Homicide - - -	—
Incendiary fire - -	6
Threatening notices - -	11
Administering oaths - -	1
Forcible possession - -	1
Killing or maiming cattle	1
Demand of arms - -	1
Total - - -	21

— No. 7. —

RETURN of Agrarian Outrages in the County of *Tipperary* in 1844, 1845, and in 1850, 1851.

Agrarian Outrages, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	5	17	22	Homicide	8	12	20
Firing at person	5	19	24	Firing at Person	12	25	37
Aggravated assault	11	68	79	Aggravated Assault	16	66	82
Assault endangering life	1	39	40	Assault endangering life	4	29	33
Assault	2	–	2	Assault	1	3	4
Incendiary fire	18	53	71	Incendiary fire	13	34	47
Forcible possession	1	–	1	Robbery	2	14	16
Killing cattle	9	16	25	Forcible possession	2	–	2
Robbery of arms	1	42	43	Killing cattle	7	18	25
Appearing armed	6	21	27	Robbery of arms	2	37	39
Riot	2	4	6	Appearing armed	4	15	19
Administering oaths	1	2	3	Faction fight	1	2	3
Threatening notices	119	82	201	Riot	1	10	11
Attacking houses	27	36	63	Threatening notices	146	146	292
Resistance to legal process	2	6	8	Turning-up land	1	–	1
Levelling	7	8	15	Attacking houses	42	54	96
Injury to property	15	34	49	Resistance to legal process	4	5	9
Firing into dwellings	20	21	41	Levelling	4	9	13
Illegal meetings	1	1	2	Injury to property	16	36	52
				Firing into dwellings	25	38	63
Totals	253	469	722	Totals	311	553	864
Total of all kinds	253	655	908	Total of all kinds	311	681	992

Comparative Statement.

Agrarian outrages reported in 1844	253	
Ditto ditto in 1850	208	
Decrease of 1850 on 1844		45
Agrarian outrages reported in 1845	311	
Ditto ditto in 1851	134	
Decrease of 1851 over 1845		177
Decrease of 1851 over 1844		119

AGRARIAN OUTRAGES, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	TOTAL.		Agrarian.	Not Agrarian.	TOTAL.
Homicide	4	13	17	Homicide	1	14	15
Firing at person	7	7	14	Aggravated assault	34	56	90
Aggravated assault	15	87	102	Incendiary fire	33	76	109
Assault endangering life	11	23	34	Killing cattle	9	14	23
Assault on bailiffs	1	–	1	Appearing armed	1	5	6
Incendiary fire	46	65	111	Threatening notices	38	26	64
Robbery	1	83	84	House attacks	1	1	2
Killing cattle	12	17	29	Resistance to legal process	4	5	9
Administering oaths	1	–	1	Levelling	1	3	4
Threatening notices	71	51	122	Injury to property	6	13	19
Pound breach	1	–	1	Firing into dwellings	5	12	17
House attacks	5	6	11	Trespass	1	–	1
Resistance to legal process	11	21	32				
Levelling	3	8	11				
Injury to property	7	12	19				
Firing into dwellings	12	10	22				
TOTALS	208	403	611	TOTALS	134	225	359
TOTAL of all kinds	208	1204	1412	TOTAL of all kinds	134	928	1062

— No. 8. —

RETURN of Agrarian Outrages in the County of *Limerick* in 1844, 1845, and in 1850, 1851.

Agrarian Outrages, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	1	5	6	Firing at the person	3	9	12
Firing at the person	6	5	11	Infanticide	1	2	3
Aggravated assault	2	19	21	Aggravated assault	7	21	28
Assault endangering life	3	12	15	Assault endangering life	2	26	28
Incendiary fire	7	24	31	Incendiary fire	2	20	22
Killing cattle	5	5	10	Forcible possession	3	—	3
Robbery of arms	1	19	20	Killing cattle	12	11	23
Appearing armed	3	19	22	Robbery of arms	3	34	37
Threatening notices	37	29	66	Riot	2	7	9
Attacking houses	6	9	15	Administering unlawful oaths.	2	6	8
Resistance to legal process	1	4	5	Threatening notices	69	73	142
Levelling	1	—	1	Turning up land	1	—	1
Firing into dwellings	1	4	5	Attacking houses	10	21	31
				Resistance to legal process	2	1	3
				Levelling	1	1	2
				Injury to property	1	9	10
				Firing into dwellings	7	5	12
Totals	74	154	228	Totals	128	246	374
Total of all kinds	74	247	321	Total of all kinds	128	332	460

Comparative Statement.

Agrarian outrages reported in 1844	74	
Ditto ditto in 1850	59	
Decrease of 1850 on 1844		13
Agrarian outrages reported in 1845	128	
Ditto ditto in 1851	38	
Decrease of 1851 on 1845		94
Decrease of 1851 on 1844		36

AGRARIAN OUTRAGES, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	TOTAL.		Agrarian.	Not Agrarian.	TOTAL.
Homicide - - -	1	12	13	Firing at the person -	1	4	5
Aggravated assault - -	11	27	38	Aggravated assault -	5	23	28
Assault endangering life -	4	13	17	Incendiary fire - -	8	31	39
Incendiary fire - -	11	34	45	Forcible possession -	2	–	2
Killing cattle - - -	3	11	14	Killing cattle - -	8	8	16
Riot - - - - -	1	4	5	Threatening notice - -	10	8	18
Threatening notice - -	19	8	27	Resistance to legal process	2	6	8
Resistance to legal process	6	10	16	Injury to property - -	1	6	7
Levelling - - -	2	–	2	Firing into dwellings -	1	1	2
Injury to property - -	1	9	10				
TOTALS - -	59	128	187	TOTALS - -	38	87	125
TOTAL of all kinds - -	59	748	807	TOTAL of all kinds - -	38	506	544

— No. 9. —

RETURN of AGRARIAN OUTRAGES in the County of *Monaghan* in 1844, 1845, and in 1850, 1851.

AGRARIAN OUTRAGES, 1844, 1845.

	1844.				1845.		
	Agrarian.	Not Agrarian.	TOTAL.		Agrarian.	Not Agrarian.	TOTAL.
Homicide	–	1	1	Homicide	–	1	1
Firing at the person	–	2	2	Firing at the person	–	–	–
Aggravated assault	6	12	18	Aggravated assault	–	5	5
Incendiary fire	3	7	10	Incendiary fire	–	7	7
Cattle stealing	–	16	16	Cattle stealing	1	5	6
Killing cattle	–	2	2	Killing cattle	–	2	2
Threatening notices	6	7	13	Threatening notices	12	19	31
Attacking houses	–	2	2	Attacking houses	1	–	1
Resistance to legal process	1	3	4	Resistance to legal process	2	2	4
Levelling	–	1	1	Levelling	1	–	1
Injury to property	3	6	9	Injury to property	4	6	10
Firing into dwellings	–	–	–	Firing into dwellings	1	1	2
Rescue of distraint	1	–	1	Rescue of distraint	–	–	–
TOTALS	20	59	79	TOTALS	22	48	70
TOTAL of all kinds	20	90	110	TOTAL of all kinds	22	73	95

COMPARATIVE STATEMENT.

Agrarian outrages reported in 1844	20	
Ditto ditto in 1850	48	
Increase of 1850 over 1844		28
Agrarian outrages reported in 1845	22	
Ditto ditto in 1851	48	
Increase of 1851 over 1845		26
Increase of 1851 over 1844		28

Agrarian Outrages, 1850, 1851.

	1850.				1851.		
	Agrarian.	Not Agrarian.	Total.		Agrarian.	Not Agrarian.	Total.
Homicide	[a]1	1	2	Homicide	[c]1	3	4
Conspiracy to murder	[b]1	–	1	Aggravated assault	13	18	31
Aggravated assault	2	13	15	Assault endangering life	[d]1	4	5
Assault endangering life	2	6	8	Incendiary fire	5	8	13
Incendiary fire	4	9	13	Killing or maiming cattle	1	3	4
Killing or maiming cattle	1	2	3	Robbery of arms	1	1	2
Administering oaths	2	–	2	Burglary	1	4	5
Threatening notices	24	12	36	Threatening notices	18	6	24
House attacks	2	1	3	House attacks	2	4	6
Resistance to legal process	2	1	3	Resistance to legal process	2	–	2
Levelling	2	2	4	Injury to property	1	4	5
Injury to property	5	3	8	Levelling	1	1	2
				Firing into dwellings	1	–	1
Totals	48	50	98	Totals	48	56	104
Total of all kinds	48	111	159	Total of all kinds	48	95	143

[a] Terence M'Cabe, small farmer.
[b] Patrick M'Mahon, bailiff.
[c] T. D. Bateson, esq., J. P., agent to Lord Templetown.
[d] Owen Kirk, farmer.

Agrarian Outrages of first Three Months of 1852.

Homicide	1	Daniel Markey, farmer.
Firing at the person	1	Patrick M'Mahon, bailiff to —— Morant, esq., J.P., agent to Marquis of Bath.
Threatening notice	8	
Incendiary fire	1	
Total	11	

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ANALYSIS OF INDEX.

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[*N. B.*—In this Index the *Numerals* following *Rep.* refer to the page of the Report; the *Figures* following the Names of the Witnesses refer to the Question of the Evidence; and those following *App.* refer to the Appendix.]

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ABATEMENT OF RENT. For the first two years after the potato failure scarcely any abatements were made in the rents, and when an abatement was eventually offered, it was offered on such terms that scarcely any of the tenants were able to avail themselves of it, *Lennon* 3359–3363.

See also *Reduction of Rent.* *Rents*, 2.

Absenteeism. Increase of absenteeism from the demoralization of all classes of occupiers of land consequent upon the prevalence of Ribbonism, *Fitzmaurice* 552–554. 709–711 ——With regard to the proprietors of estates in Monaghan being resident or absent, witness considers they are about equally divided, *Golding* 1077–1081 ——Some of the largest proprietors are English absentees, *ib.* 1172, 1173——The landed proprietors generally, of Armagh, are absentees, *Kirk* 4409, 4410.

See also *Competition.* *Landlords.* *Lieutenants of Counties.*

Absolution. It is not true that persons intending to commit crimes go and state their intention to a priest, and get absolution for a crime which is afterwards to be committed, *M'Meel* 2886–2888.

Acquittals. If a juror sympathised with Ribbonism he would not find a verdict, on the clearest evidence, against the accused, *O'Callaghan*, 5483.

See also *Evidence.* *Perjury.*

Administration of Justice. See *Evidence.* *Intimidation*, 2. *Judges.* *Juries and Jurors*, 2. *Petty Sessions.* *Trial by Jury.* *Venue.*

Agents. Mode by which the agents of properties in the county of Monaghan are paid for their services, *Golding* 1082, 1083——Management of the estates in the county of Armagh by agents; character and qualification of these agents, *Kirk* 4411–4415——Management of the estates by agents or bailiffs, by the

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Agents—continued.

system of distraining and impounding cattle, &c.; favouritism and inequality in the proceedings of the bailiffs, *Kirk* 4484-4488.

See also *Cultivation of Land.* *Rents*, 1. *Treatment of the People.*

Agrarian Outrages. Evidence showing that the number of agrarian outrages has increased considerably of late years in the districts of Armagh, Down, Louth, and Monaghan; while in Tipperary and Limerick they have greatly decreased, *Brownrigg* 1380-1385——Although the organization relates chiefly to agrarian cases it is capable of being turned to any other purpose that requires physical force to carry it into execution, *Hamilton* 1601-1607——Witness believes that the agrarian question was the original object of forming the Ribbon Society, *ib.* 1637-1644. 1651-1654——Witness does not consider that the Ribbon societies originated through agrarian operations, *ib.* 1823.

Statement relative to the various cases of agrarian outrage which have come under witness's notice; in no case has a single Protestant been accused, imprisoned, or tried for any of these crimes, *Lennon* 3674-3697——Witness attributes the main sources of the outrages and discontent to three causes: disputes arising from the relations between landlord and tenant, the execution of civil bill decrees made by the assistant barrister, and party spirit arising from differences of religious opinions, *Kirk* 4362-4365. 4731——Return of the number of cases in which parties have been made amenable, and nature of the offences, in the year 1849, *App.* 588——Similar return for the years 1849 and 1850, *ib.* 590——Similar return for the years 1850 and 1851, *ib.* 592.

See also *Armagh.* *Competition.* *Convictions.* *Down.* *"Dundalk Democrat" Newspaper.* *Juries and Jurors*, 2. *Landlord and Tenant*, 3. *Limerick.* *Louth.* *Magistrates.* *Middlemen.* *Monaghan.* *Murders.* *Occupation of Land.* *Perjury.* *Petty Juries.* *Reduction of Rent.* *Religion.* *Ribbonism.* *Rights of Property.* *Roman Catholic Clergy.* *State of the Country.* *Sympathy of the People.* *Tenant League*, 2. *Tenure of Land.* *Venue.*

Agreements. State of the law as to agreements between landlords and tenants, *Brown* 5683-5689.

Agricultural Produce. Agricultural produce has very much diminished in value of late years; this is chiefly owing to the failure of the potato crop and free trade, *M'Meel* 2962-2966. 3109-3125——The value of agricultural produce in Ireland has changed very much within the last few years; the landlords have suffered very severely in poor rates, and taxes, and diminished rents, *Lennon* 3855-3888.

See also *Capital.* *Cultivation of Land.* *Free Trade.* *Potato Cultivation.* *Rents*, 1.

America. The facility of escape by going to America has increased the number of agrarian outrages in the country, *Warburton* 198, 199.

See also *Emigration.*

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Antrim. Cases of Ribbonism have appeared in the very best parts of Antrim, where the tenants are most kindy treated and the people most prosperous, *Fitzmaurice* 725——It has been attempted to introduce the system into the flourishing county of Antrim, *Hamilton* 1618-1623.

Armagh. Witness was sent into the districts of Armagh, Monaghan, and Louth, in January of this year, by Lord Clarendon's government, in his capacity of stipendiary magistrate, and took up his residence at York-hill, Armagh, *Warburton* 10–14——Great attention witness gave to the subject in order to ascertain the state and condition of the district, *ib.* 15–19——Witness found the district in a most disorganized state, *ib.* 20——Witness is of opinion that when he went to the district of Armagh there was a sympathy towards the perpetrators of the outrages, and conspirators in general, in that neighbourhood, *ib.* 40, 41——Number of magistrates and police in the Armagh district, from 1844 to 1851, *Fitzmaurice* 576–586. 617–619.

Dense population of Armagh; they have all the means of employment, and there is a great deal of industry in the county, *Golding* 1179–1186——Districts in the county of Armagh mostly infected by Ribbonism; it does not prevail in the northern part of the county, *Hamilton* 1614–1617——About two years ago some very bad cases of outrage occurred in the county of Armagh, but for the last two years the district has been comparatively tranquil, *Lennon* 3207, 3208——The present condition of the district is very unsatisfactory, and the state of the peasantry is lawless, *O'Callaghan* 4988, 4989——Return of agrarian outrages in the county of Armagh, in the years 1844, 1845, 1850, and 1851, *App.* 594, 595——Statement of outrages in first three months of 1852, *ib.* 595.

See also *Absenteeism. Agrarian Outrages. Condition of the People. Constabulary. Crossmaglen. Intimidation*, 1. *North of Ireland. Orange Lodges*, 2. *Priests. Rents*, 1. *Ribbonism*, 2. *Secret Associations.*

Arrests. Return of the number of persons arrested in the year 1849, and statement of the offences, *App.* 589——Similar return for the years 1849 and 1850, *ib.* 591——Similar return for the years 1850 and 1851, *ib.* 593——Comparative return of the number of outrages and arrests in the years 1849 and 1850, *ib.* 590——Similar return for the years 1849, 1850, and 1851, *ib.* 592.

See also *Evidence.*

Assaults. Witness has known of cases of persons who have been beaten or waylaid declining afterwards to prosecute; particulars of one of these cases, *Warburton*, 49–53.——*See* also *Civil Bill Process. Creggan Parish.*

Attorney-General for Ireland, M.P. (Analysis of his Evidence.)—Statement with reference to the evidence given by Mr. M. Hamilton, in the case of the trials of a man of the name of Sam Gray; with explanations relative to the part taken by witness in these trials, as counsel for the prisoner, 1924.

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B.

Bailiffs. Employment of two bailiffs by witness; nature of their duties, *Golding*, 895-903.——*See* also *Agents.*

Barony Collectors. Annual appointment of the barony collectors; they may be appointed at each assize, *Major* 2265——With regard to the barony collectors, witness would dispense with their services in the selection of jurors, *ib.* 2495-2497.——*See* also *Cess Collectors.* *Juries and Jurors*, 5.

Barrington, Sir *Matthew*, Bart. (Analysis of his Evidence.)—Crown Solicitor for the Munster Circuit; has held the office about thirty-six years, 4781-4783——During the time witness has known the South of Ireland it has constantly been subject to periodical disturbances and agrarian outrages, 4784, 4785——While land was a necessary of life, agrarian outrage was very prevalent; latterly, since competition for land has ceased, outrage has also ceased on the Munster Circuit, 4785-4815——The remedies applied have been the Insurrection Act, for a considerable period, and special commissioners, 4787——Witness has been always opposed to the Insurrection Act, 4787, 4788.

Opinion that the ordinary law, vigorously and well administered, is the most effectual remedy for suppressing disturbances, 4787——Details relative to the special commissions held in the circuit at different periods, 4789-4803 4807-4809——The principal provisions of the Insurrection Act of 1816 were to prevent persons being out at night, and for domiciliary visits, 4804, 4805——Different sentences contained in the different Insurrection Acts; the fate of the criminal depends on the Act under which he is prosecuted, 4805-4807——When once a disturbance arises in the country, no matter what may be the cause of the animosity, people are employed to commit the outrage on the person to whom there is hostility, 4807. 4810-4812. 4912, 4913.

Witness does not consider the rents the cause of outrages in Munster, 4813——Change of tenancy is more likely to produce outrage than high rent, 4813-4815——The chief cause of agrarian outrages is atributable to the middlemen, 4818, 4819——In conducting the special commissions, there never was the slightest difficulty in getting jurors to perform their duty, 4820, 4821——The burden of attending juries is thrown upon the lower orders; recommendation that there should be but one jury panel for both courts, 4821, 4832——Necessity for the jurors for the trial of agrarian outrage being selected from amongst gentlemen of considerable property, 4833-4853——Witness would recommend greater care in the selection of stipendiary magistrates, 4854-4863.

Objection to making the police force so altogether a military force; policemen should be promoted for discovering crime, 4864-4670——Suggestion that the whole of the Whiteboy Acts should be consolidated, and the punishment of death abolished, except in cases of murder, 4871-4874——Importance of punishment following immediately upon conviction; number of persons transported from the dock at the special commission in 1832; 4875-4892——Necessity for the consolidation of the Whiteboy Acts being carried out

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Barrington, Sir *Matthew*, Bart. (Analysis of his Evidence)—*continued.*

out immediately, 4893-4901——It is very desirable that facilities should be given for the sale and transfer of land, 4902-4906. 4914-4936.

Witness does not consider that the outrages can be attributed to the laws between landlord and tenant; it is the possession of land, and disputes about the possession of land, which lead to these outrages, 4906-4913——Beneficial effects of the Encumbered Estates Court; the court should be either a permanent establishment, or a branch of the Court of Chancery, 4937-4941——The power of giving a Parliamentary title is of the greatest value, 4937-4947——The receiver's jurisdiction is a great nuisance, and very little benefit; it is desirable to manage the estates so as to get rid as much as possible of the receiver's jurisdiction, 4942-4945.

Upon the whole, the Encumbered Estates Court, in its policy, in its working, and in its results, is likely to be one of the most beneficial measures that, of late years, has been passed for Ireland, 4946-4954. 4962——How far it would be advisable to extend the powers of the Encumbered Estates Court, so that a person not intending to sell land might get a title to his own land, in order that, at a future time, he might make out that title without difficulty, 4955-4966——The difficulty in making a title is the main cause which prevents the distribution of property in Ireland by sale, 4961.

Witness never heard of a case of Ribbonism in Munster, 4967-4969——Witness believes Ribbonism to be an extensive combination, having passwords; but he cannot give any evidence about it, 4969-4971——Witness never heard that Ribbonism originated from the Orange Society, and that the two societies were antagonistic, 4972-4976——The present system of conducting prosecutions on circuit works well, 4977-4979.

Bateson, Mr. Amiable and respectable character of Mr. Bateson; witness never heard of instances of what may be called cruelty or oppression on his part, *Major* 2361-2368. 2444-2449——Particulars relative to his murder; cause to which witness attributes this outrage, *ib.* 2444-2451——Reward offered for the apprehension of the murderers of Mr. Bateson; subscription entered into for the purpose of increasing the amount; witness was never asked to join in that subscription, *M'Meel* 2660-2663——Subscription entered into for the purpose of defending the prisoners, inasmuch as their application to the Crown for legal advice was refused; witness did not subscribe to the fund, *ib.* 2664-2672. 2801-2813. 2874-2877. 3092-3094——Harsh character of Mr. Bateson; he was aware of the evil feeling of the people towards him, *ib.* 3047-3064——Witness would say that his curate did not subscribe to the fund for the defence of the parties accused of the murder of Mr. Bateson; no Roman-catholic priest would have subscribed, *ib.* 3184.

See also *Ejectments.* *Evictions.* *Mauleverer*, Mr. *Murders.*

Bath, Lord. See *Emigration.*

Brabazon, Burton. (Analysis of his Evidence.)—Sub-sheriff of the county of Louth, 4175, 4176——Is the officer whose duty it is to prepare the jury lists, 4177——Is well acquainted with the system of making out the jurors' books, and with the whole condition of the county of Louth, so far as crime is concerned,

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Brabazon, Burton. (Analysis of his Evidence)—*continued.*

cerned, and trial by jury in the criminal and civil courts, 4178——Numerous defects in the present system of making out the jurors' lists and the jurors' books, 4179 *et seq.*——One great defect arises from the cess collector being limited to return on his list only persons who have a 10*l.* freehold for counties, or a 15*l.* leasehold qualification, and being necessitated to omit all those who are not thus qualified; example illustrating this evil, 4180-4199.

Opinion that the jurors ought not to be confined to persons who have only leases such as are mentioned in the Act of Parliament; regard should be had to valuation and occupation, 4193-4199——Point at which the valuation might be put, 4198. 4203-4209——Under the present system there is great difficulty in getting a sufficient number of jurors; it is a great hardship upon them, as from the smallness of their number they are constantly called upon to attend sessions and assizes, 4200-4202——A change in the existing mode of composing the jurors' book is essential to the administration of justice, 4210.

Great objection of parties to be on juries in cases of agrarian murders, commonly called Ribbon murder cases, from the fear that if the prisoner is convicted their lives will be in danger; opinion that this fear is well-founded, 4211-4225——The Ribbon Society is at the bottom of this state of things, 4224, 4225—— Changing the venue would be the only remedy for this, with the present jury system of twelve men agreeing to a verdict, 4226-4333. 4248-4250. 4304, 4305——There has been a decrease in the number of ejectments in the county of Louth within the last two years, 4251-4257.

There has been no capital conviction for any agrarian outrage in the county of Louth during the last eleven years, 4258-4265——From this cause there has been no case of a juror having suffered personal violence; but witness has known them applauded for giving verdicts of acquittal, 4262-4266——Witness has heard it assigned as a reason for jurors not finding prisoners guilty, that the prosecutions have not been properly conducted; but witness cannot say that he has himself observed this to be the case, 4267-4274——With reference to the proposed improvement which witness has suggested in the formation of the jury lists, he would still leave the selection of the panel to the sheriff; there should be but one list for both courts, 4275-4288. 4295-4298.

Number of jurors requisite to attend the assizes, under the system of having one panel answering for both courts, 4293-4298——Grounds for forming the opinion that if tenure and title were thrown overboard in making the jury list, and valuation be the principle upon which it was formed, it would not have the effect of excluding useful men from the jurors' lists, 4299-4303. 4306-4317——Opinion that it would be a very good thing to try every case by ballot; it would remove a great deal of the prejudice which exists that the jurors are not fairly chosen, 4318-4328.

Advantage would result from doing away with the services of the cess collectors altogether in the formation of the lists, 4323-4328——With regard to changing the venue, witness does not apprehend that a new county might be inoculated with Ribbonism by changing the venue from an infected county, 4329, 4330——Nor does he consider that the Crown would have any undue advantage

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Brabazon, Burton. (Analysis of his Evidence)—*continued.*

advantage over the prisoner, 4331-4345——Still if jurors did their duty without intimidation and convictions were obtained in the county, it would have more effect than convictions obtained by a change of venue, 4346.

Brown, Rev. *Daniel Gun.* (Analysis of his Evidence.)—Presbyterian Clergyman in Newtonhamilton parish, Armagh; has been minister nineteen years, 5657-5665. 5878, 5879——Witness considers that the cause of the crime in the district is the state of the law with regard to land, 5666-5672——Increase of agrarian outrages since the failure of the potato crop, when the small farmers found it difficult to pay their rents, and the landlords commenced evicting, 5673——Want of some constitutional remedy for the social wrongs connected with the relation of landlord and tenant, 5674-5676——What witness considers social wrongs are cases where tenants have improved their farms, and the improved value is absorbed by an increase of rent and no compensation given to the tenant, 5676, 5677.

Difficulties in the way of making transfers of land from the legal impediments; it would be better to encourage, as far as possible, the free transfer of land like any other commodity, 5678-5686——State of the law as to agreements between landlords and tenants, 5683-5689——Remarks relative to the granting of leases in Newtownhamilton; the majority of the farmers are tenants at will, 5690-5713——Improvements made by tenants at will upon the faith that they will not be disturbed; cases of hardship and injustice occasionally occur of parties being ejected without compensation for their improvements; instance of the ejectment of Mr. Garmany from the estate of Lord Templeton, 5714-5746.

Leases in Ireland are very insecure, sometimes from the want of proper title in the landlord, and at other times from the multiplicity of matters introduced into leases; case in which great injustice has resulted to the undertenants, 5747-5767——High rents demanded in Newtownhamilton; the reduction which has taken place is not equally to the fall in the prices of agricultural produce; the payment of high rents since 1846 has conduced very much to the distress of the farmer, 5768-5790——Necessity for the establishment of a security of tenure on fair principles to both landlord and tenant; the tenant should be allowed compensation for all improvements, 5791-5799.

Evidence with respect to the formation, objects, and meetings of the Tenant League Society, 5800-5848——Exertions which have been used by the clergy of all creeds to prevent the holding of tenant-right meetings in the barony of Upper Fews, that the authorities might not be in any way embarrassed by the agitation, 5805-5810. 5825, 5826——Remarks relative to the "Dundalk Democrat;" witness does not subscribe, nor does he see that paper regularly; in what numbers he has read he has not seen anything remarkable, nothing countenancing or advising crime, 5849-5868——Great number of evictions executed both by Mr. Bateson ad Mr. Mauleverer; the people in their neighbourhood became convinced from their proceedings that they were not likely to get just treatment from them, 5880-5888. 5896, 5897.

Mr. Chambie was considered a very high setter of land, and had served notices to quit on a number of his tenants previously to his murder, 5889, 5890,

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Brown, Rev. *Daniel Gun.* (Analysis of his Evidence)—*continued.*

5890. 5892–5895——Witness cannot say what agency was employed in the committal of the outrages in Armagh, but feels confident that they arose from the unfortunate state of the relations between landlord and tenant, 5891——Remarks relative to the attempted murder of Mr. Eastwood; doubts as to whether this was an agrarian outrage, as there was robbery in the case, 5897–5901——General feeling of harmony existing among all the ministers of religion in the neighbourhood of Newtownhamilton; united influence of the ministers of all denominations exerted in favour of peace, and to discontenance as much as possible agrarian outrages, 5902–5907.

Although witness would not say that the people sympathise with the perpetrators of crime, still almost every person condemns the causes which have led to these outrages, 5908——General size of the holdings in the parish of Newtonhamilton; there are some as small as three or five acres, but not many, 5909–5912.

Brown, Mr. Evidence as to Mr. Gun Brown being present at the dinner given to Mr. Jordan, *O'Callaghan,* 5284–5289.

Brownrigg, Henry John. (Analysis of his Evidence.)—Deputy Inspector-general of Constabulary; has been in the constabulary twenty-seven years; has been generally through Ireland, 1239, 1240——Witness's attention has been much directed to the working of the Ribbon system, 1241–1243——Was sent down by Lord Clarendon to the districts of Armagh, Louth, and Monaghan, at the beginning of this year, and has taken various means to inform himself of the state of these districts and the working of the Ribbon system in them, 1243. 1249–1255.

As regards the working of the system, there appears to be a uniformity of action in the various places where witness has attended to its operation, 1244——It produces general terror and intimidation and obstructs the administration of justice, 1245–1247——Witness has considered carefully what remedies might be applied, and has drawn up the result of his deliberations; delivers in his suggestions for the suppression of Ribbon societies, 1248. 1255–1258——One of the first steps towards striking at the root of this great evil should be to amend the laws relating to publicans, 1259-1262. 1377.

Suggestion that that portion of the first section of 2 & 3 Vict. c. 74, relating to pass-words, which was repealed by the 8th & 9th Vict. c. 55, be re-enacted, 1263–1268——Witness's attention has been directed to the manner in which the Crown prosecutions have been conducted, 1269. 1378——Considerable importance of having an active and intelligent stipendiary magistrate in the disturbed localities, 1270. 1378——It would also be most desirable that there should be a local resident Crown solicitor, 1271–1273. 1378——Suggestions on the subject of the framing of the jury panels; recommendation that there be a general revision of the jury laws, 1274–1278. 1378.

Improvements suggested with regard to the coroners; evidence showing that the proceedings upon coroners' inquests very often lead to the obstruction of justice, 1279–1286——There is a general feeling of sympathy among a large class of the population of the country with the perpetrators of these outrages, 1291–1294——The conspiracy is carried on in a regular and systematic way; they

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Brownrigg, Henry John. (Analysis of his Evidence)—*continued.*

they have their parish masters, and their local lodges, and county delegates, 1295——There are local heads of the confederation resident in the districts; but the head-quarters are at different places at different times, for instance, at Dublin, Belfast, Liverpool, Glasgow, Manchester, &c., 1296——Communications are carried on by delegates, 1297, 1298.

Large sums of money have been collected by the confederation, both for the purpose of procuring persons to commit offences and for the defence of persons on trial, 1299–1304——There has been an order issued that there should be no outrage for three months; reason given for this order, 1305–1309——Most cases of outrage are preceded either by a threatening notice or a threatening letter; specimens of these letters delivered in; the authors are seldom traced, 1310–1320.

The use of signs and pass-words is very general among the members of the society; way in which they are settled and made known; difficulty in getting at these pass-words; way in which the pass-words for the month of March were got at, 1321–1340——Opinion that the system is spreading very much through counties where it did not exist before, by means of labourers working on the railroads, and drainage and other public works; many persons have joined the society through fear, 1345–1352. 1354——Districts in which it has been deemed advisable to increase the police force in consequence of these outrages during the past year; extent to which the force has been increased in Armagh, in Down, in Louth, and in Monaghan; way in which the expense of this additional force is borne, 1355–1369.

Detective men have been sent down, and have been of much use in getting information; it is an extremely difficult as well as a hazardous duty for the men, 1370–1376——The means at present at the disposal of the Government, under the existing law, are not sufficient to stop these outrages, 1377——Opinion that the present apparent cessation of crime in the disturbed districts is no evidence that the system is wearing out or disappearing; it is only in abeyance, 1379–1380——Evidence showing that the number of agrarian outrages has increased considerably of late years in the districts of Armagh, Down, Louth, and Monaghan; while in Tipperary and Limerick they have greatly decreased, 1380–1385.

Grounds for forming the opinion that distress has nothing to do with this secret organization, 1386–1391——Although it is a very difficult thing to put down illegal societies, witness considers that if the suggestions which he has put forward were adopted it would at all events be the first step towards it, 1392–1394——The Tenant League agitation has no doubt revived the Ribbon system, 1394, 1395. 1426–1435——The agitation is confined to the Roman Catholics; no Protestant is allowed to belong to the Ribbon Society, 1396. 1421–1425——Witness has had no information that there has been a revival of the Orange societies in the North of Ireland, 1397–1399. 1402–1418. 1436, 1437.

Witness does not attribute the existence of the secret societies in the North of Ireland among the Roman Catholics to the existence of the Orange confederation, though this was formerly the opinion, 1419, 1420. 1439——The Ribbon Society came into existence about 1796; 1438——This secret principle

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Brownrigg, Henry John. (Analysis of his Evidence)—*continued.*

ciple of association engrafts itself wherever it has an opportunity of extending its influence, 1439, 1440——The society does not confine itself to mere arrangements about land, but extends itself to purposes of revenge, 1441.

[Second Examination.]—Witness has never furnished a copy of his evidence given on a former occasion, or of the document which he delivered in, to any newspaper, nor to any person, save the present and late Government and the Committee; witness has merely mentioned the nature of his suggestions to Mr. Fitzmaurice and to some officers of the constabulary force in general conversation, 1442–1467.

[Third Examination.]—Delivers in the notice which was served on Mr. Chambre before he was fired at, 1925–1928—— Produces the notice also which was served on Mr. Coulta, who was murdered near Crossmaglen, in the county of Armagh, 1928–1930——Delivers in a copy of the threatening notice which was served on Mr. Maxwell, an agent in the county of Armagh, 1931, 1932——Copies of further threatening notices served on various parties, 1933–1934 —— Copy of the pass-words for March 1852, *Ev. p.* 187—— Offers of rewards, whether to a small or large amount, seldom produce any effect, 1935–1938. 1945–1950.

It is absolutely necessary for the Government to protect and provide for the safety of the witnesses both before trial and after trial, 1939–1944——In all cases of homicide or other serious outrages it is most desirable that the magistrate should visit the scene of outrage and minutely inspect the ground, and examine any person on the spot as soon as possible, 1951–1953——In many instances the coroners' courts in Ireland frustrate the ends of justice by indiscreet examination of witnesses; their duty should be confined simply to the cause of death, 1954–1964.

The local magistrates give very useful assistance in investigating these cases, but the whole of the case depends entirely on the tact, capacity, and judgment of the stipendiary magistrate, 1965–1967 —— Suggestions for rendering the office of clerk of petty sessions more efficient; they should be paid by salary instead of fees, 1968–1975——Generally speaking, justice at petty sessions is satisfactorily administered; it would perhaps be advisable to have a fixed rule defining cases which should be tried at petty sessions; but serious cases are seldom or never tried there, 1976–1989——Cases in which rents have been reduced after these outrages have been committed; opinion that this is a bounty on outrage, 1990–2004. 2015–2035. 2074–2080.

In agrarian outrages there is not the least distinction as regards the religious persuasion of the victims, 2005–2007. 2022, 2023. 2043——Further expression of the opinion that there is not the same system of combination through the South of Ireland that there is in the North, 2008–2014. 2036–2042. 2108–2115——Opinion that land is the main object of these outrages, wherever they may have happened, in all the counties of Ireland, 2044—— At one time witness thought a change of venue might be desirable, but now doubts whether any good result would follow, as the same advantage must be given to the prisoner as to the Crown with respect to changing it, 2044–2059. 2116–2134.

Opinion

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Brownrigg, Henry John. (Analysis of his Evidence)—*continued.*

Opinion that the offences in the South of Ireland are more connected with the actual tenure of the land than with the amount of rent, 2060, 2061—— Opinion that if the relation between landlord and tenant were placed on a footing which would preserve and secure the rights of the one and meet the equitable demands of the other, it would effect a great deal of good, 2062–2073. 2135–2138——The only reason witness can assign for the present extensive emigration from Ireland is that the parties emigrate with a view to better themselves; many are induced to go out by their friends already in America; many of them have an idea that they will become landed proprietors there, 2081–2106. 2155.

Witness has heard that many persons emigrate to America to escape the injurious influence of the Roman-catholic clergy and the tax imposed on them by the clergy, 2145–2154——Witness is not aware of any acts of oppression or cruelty on the part of the great proprietors in Louth, Armagh, or Monaghan, but the contrary, 2156–2165——Witness has never heard any complaints on the part of the people as to the fairness of criminal proceedings; changing the venue might give rise to this suspicion, 2166–2170——Introducing the system of Scotch juries in voting by certain majorities might perhaps be an advantage; the number might be increased to fifteen, and the number to convict be twelve, 2171.

Particulars relative to the murder of Mr. Roe, 2174–2195——Reasons why although it is known that Ribbon lodges are held in public-houses, and the publicans are at the head of them, the publicans cannot be prosecuted, 2196–2207——There is no reason why the first section of the Act 2 & 3 Vict. c. 74, relating to pass-words, should not be re-enacted, 2207–2216——Difficulties in the way of putting down the unlicensed houses, the shebbeen shops, although a large number of them have been put down lately; suggestions with a view to remedy these difficulties, to improve the licensing system generally, 2217–2239——It would be an improvement of the law, for the purpose of its just administration, to give the Court of Queen's Bench the power of changing the venue, 2240–2251.

Bute, Marquis of. See *Emigration. Evictions.*

C.

Capital. The effects of the potato failure and the reduced prices of agricultural produce have lessened the farming capital of the country, and exhausted the means of the tenants, *Kirk* 4539, 4540.——*See* also *Farms.*

Castle Blayney. Extent of the Castle Blayney and Templetown estates, *Golding* 820–826——Harmony existing between the Protestants and Roman-catholics in Castle Blayney, *M'Meel* 2868–2873——Attempt made to propagate Ribbonism in Castle Blayney at the time of the construction of the railway; exertions of witness against the movement, and decrease of Ribbonism since that period, *ib.* 3141–3144. 3173——Ribbonism does not exercise any intimidation over the lower orders in Castle Blayney district, *ib.*

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Castle Blayney—continued.

3149——Opinion that Ribbonism does not exist in Castle Blayney, *M'Meel* 3154-3161. 3180-3183.

See also *Condition of the People. Ejectments. Emigration. Evictions. Improvements,* 2. *Rents,* 1. *Tenant Right.*

Cess Collectors. Power of the grand jury to stop the salary of the cess collector in the event of his not satisfactorily performing his duty in returning persons on jury lists; frequent complaints of the cess collector omitting persons names from the jury lists, *Major* 2260-2263——Witness does not consider that the cess collectors are persons to be entrusted with the important duty of striking the jurors, *ib.* 2351, 2352. 2398, 2399——Evidence as to the duties of the cess collectors or baronial constables with regard to the selection of jurors, also as to their duties in connexion with the county, *ib.* 2534-2539. 2544-2550——Unsatisfactory manner in which the duties of the cess collector in the selection of jurors is performed, *ib.* 2547, 2548——Advantage would result from doing away with the services of the cess collectors altogether in the formation of the lists, *Brabazon* 4323-4328.

See also *Barony Collectors.*

Cessation of Crime. At present there is a great cessation of crime; witness cannot account for this circumstance, *Hamilton* 1910, 1911——Remarks relative to the cessation of crime after the attempt to murder Mr. Chambre, *Kirk* 4657.

Challenging Jurors. Evidence in detail relative to several trials of a man of the name of Sam Gray, for murder and other offences, showing that the prisoner has a right to peremptory challenges, *Hamilton* 1775-1821. 1836-1866——Statement with reference to the evidence given by Mr. M. Hamilton on the case of the trials of a man of the name of Sam Gray; with explanations relative to the part taken by witness on these trials as counsel for the prisoner, *Attorney-general for Ireland,* 1924——Witness would leave the right of challenge to the prisoner, and the right of objection to the Crown, *Major,* 2500——Remarks as to the advantages to prisoners of the right of challenging jurors; how far the jurors being drawn on the ballot in criminal cases would interfere with this right, *ib.* 2510-2516.——*See* also *Magistrates.*

Chambre, Mr. Previously to the attempt to murder Mr. Chambre, there was an ill-feeling towards him in his part of the country, in consequence of his evicting a large number of tenants, and charging a very high rent, and taking strong measures for its recovery, *Lennon* 3439-3442——Witness has heard that before the attack on Mr. Chambre he had served many ejectments, *ib.* 4026-4030——The property of Mr. Chambre is very high rented, but witness is not aware of any case of eviction or severity on his part, *Kirk* 4650, 4651——Mr. Chambre was considered a very high setter of land, and had notices to quit served on a number of his tenants previously to his murder, *Brown* 5889, 5890. 5892-5895.——*See* also *Confederacies.*

Chancery, Court of. Extent of witness's properties in the counties of Louth and Armagh; circumstances under which they have been put under the care of the Court of Chancery; a receiver has been placed over them; evidence showing

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Chancery, Court of—*continued.*

showing that while they were under witness's management, the tenants were respectable and paid their rents tolerably well; this has not been the case since they have been under the Court of Chancery; reduction of the rents made under the orders of the Court; evictions have been made under the orders of the Court, *O'Callaghan* 5072-5161. 5241-5247. 5254-5260.

See also *Encumbered Estates Commission.* *Rents,* 1.

Change of Venue. See *Venue.*

Character of the People. Observations as to the general character of the Irish people; the want of habits of industry attributable to their want of early training, *Kirk* 4617-4638.

Charlemont, Lord. Evidence relative to a threatening notice being sent to Lord Chalemont, *Warburton* 215-224——Evidence relative to the present Lord Charlemont, one of the most fair and just landlords in the country, having been threatened and being obliged to retire from the country, *O'Callaghan* 5363-5376. 5463-5480.

Circumstantial Evidence. See *Evidence.*

Civil Bill Process. The cases of civil bills were very numerous in the county of Monaghan; they have very much diminished since 1846, *Major* 2463-2466 ——Under the existing law, upon a civil bill for rent, the landlord cannot seize growing crops; an execution creditor has an advantage over the landlord, as he sells them on the ground; this may account for the increase in the number of civil bills, *ib.* 2482-2486——Evidence as to the nature of civil bill decrees, and the manner in which they are executed; frequency of resistance being made and assaults committed in the execution of the process; recommendation that there should be a separate police for this distinct purpose, *Kirk* 4387-4396. 4732-4735.—— *See* also *Agrarian Outrages.*

Clarke, Messrs. Witness is the owner of the property on which two persons of the name of Clarke were murdered a few years ago; they were placed over the property by witness as caretakers, *O'Callaghan* 4992-4994. 5054, 5055 The former tenants were dispossessed in respect of arrears of rent by a receiver under the Court of Chancery, *ib.* 4995.——*See* also *Murders.*

Clearances. Witness believes that of late years clearances have not taken place to any great extent, *Hamilton* 1873-1876. —— *See* also *Evictions.*

Clergy. Friendly communication existing between the Protestant clergy and Roman-catholic clergy of Castle Blayney, *Golding* 880-883——Exertions which have been used by the clergy of all creeds to prevent the holding of tenant-right meetings in the barony of Upper Fews, that the authorities might not be in any way embarrassed by the agitation, *Brown* 5805-5810. 5825, 5826——General feeling of harmony existing among all the ministers of religion in the neighbourhood of Newtownhamilton; united influence of the ministers of all denominations exerted in favour of peace, and to discountenance as much as possibe agrarian outrages, *ib.* 5902-5907.

See also *Creggan Parish.* *Roman-Catholic Clergy.*

Clerk

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Clerk of the Crown. It is very desirable that the offices of clerk of the Crown and the clerk of the peace should be filled by one person, the Executive Government having the power of appointing that officer, *Major* 2327–2340.

Clerk of the Peace. See *Clerk of the Crown.*

Clerk of Petty Sessions. Suggestions for rendering the office of clerk of petty sessions more efficient; they should be paid by salary instead of fees, *Brownrigg* 1968–1975.

Compensation for Improvements. With regard to any change of the law of landlord and tenant, a measure giving perfect security for a fair compensation for improvements made by tenants might be beneficial, but no change short of a perfect confiscation would give satisfaction to the tenant, *Golding* 869–878.

See also *Improvements,* 2. 3.

Competition. The great competition that has prevailed for the occupation of land has been one of the mischiefs in Ireland, *Golding* 1131——The landlord generally takes the highest rent that is offered for the farms, provided he has no objection to the tenant, *M'Meel* 2956–2961——The exaggerated rents demanded arises from the fierce competition for land, *ib.* 2934–2940. 2956–2961—— The competition for land is very great, owing to the cause that between the occupation of land and starvation there is no alternative, *Lennon* 3253–3256——Witness attributes the crime in his district altogether to competition for land, to removal from the possession of land, and to absenteeism, *ib.,* 3827, 3828——Injurious consequences of the competition for land in districts where the people have no other employment, *ib.* 3976, 3977. 4062–4067——Evidence as to the great competition for land in Ireland, *Kirk* 4701–4703——While land was a necessary of life, agrarian outrage was very prevalent; latterly, since competition for land has ceased, outrage has also ceased on the Munster Circuit, *Sir M. Barrington* 4785–4815.

See also *Small Holdings.*

Conacre System. Abolition of what is called "Conacre;" the price of tenant-right has fallen on that account, *Golding* 838.

Condition of the People. General comfortable condition of the people in Armagh; there is less distress than in most other counties in which witness has been, *Fitzmaurice* 316–318——The comparative comfortable condition of the people in the disturbed districts is entirely attributable to the interference of the Ribbon Association in the tenure of land, *ib.* 555–562——Condition of the people in the county of Monaghan; proportion of Protestants to the whole population, *Golding* 812–819——The condition of the tenants in the parish of Castle Blayney has very much deteriorated within the last ten or fifteen years, *M'Meel* 2841——The people are not so badly off in the neighbourhood of Dundalk as they used to be; the poor-rate is less than it was, *O'Callaghan* 5481, 5482.

See also *Armagh. Distress. Emigration. State of the Country.*

Confederacies. There is a regular sworn system among the people to obey the agrarian code of laws which they have established for themselves, *Warburton* 21–28——This appears to be extending among the better description of farmers,

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Confederacies—continued.

mers, *Warburton* 25——The effect is to produce a connivance with crime and criminals, *ib.* 26–28——And to obstruct the course of justice; the parties are so watched they are afraid to speak the truth, and the most awful perjury is committed, *ib.*——Instance of the inquiry respecting the conspiracy to shoot Mr. Chambre, in support of the foregoing assertions, *ib.* 29–39. 42–48. 71–74.

Impossibility of bringing any of the persons connected with these confederacies to justice, *Warburton* 56——The existence of this confederacy is totally inconsistent with the peace and progress of the country; the confederacy appears to have its own code of laws, *ib.* 68–70. 196, 197——Opinion that the settlement of the land question is not the sole object of these confederacies, *ib.* 87——The ulterior objects are to get rid of all that is respectable in the country; to produce anarchy and confusion, and to transfer property from one class to another, *ib.* 98–100——Opinion that every kind of submission to the system of intimidation tends to inflame the confederacy, and give it strength, *Fitzmaurice* 295, 296.

The continuance of such confederacies is inconsistent with the progress of the country, *Fitzmaurice* 304——Injurious influence which the confederacy exerts upon the whole locality; it prevents the improvement and the progress of the country, *Golding* 781–784——There is a very wide-spread conspiracy against the law and against the proprietors, and in many cases against the occupiers, *ib.* 868——Communications between the head-quarters of the confederation and the country districts are carried on by delegates, *Brownrigg* 1297, 1298——Grounds for forming the opinion that distress has nothing to do with this secret organization, *ib.* 1386–1391.

See also *Evidence.* *Landlord and Tenant.* *Ribbonism.* *Secret Associations.* *Whiteboys.*

Constabulary. There is a very active constabulary in the Armagh district at the present time, *Warburton* 117——Impossibility of getting assistance from the people in the immediate neighbourhood when crime is committed, *Fitzmaurice* 325–327.——*See* also *Police.*

Contracts. Desirableness of introducing facilities for making contracts between landlord and tenant, *Golding* 1105. 1176, 1177——It would be very desirable to carry out the improvements of Ireland by way of contract, if possible, that is, that there should be two parties contracting, by way of lease, rather than let to tenants-at-will, *Kirk* 4653–4656.

Convictions. One great encouragement to agrarian outrages is that it is almost impossible to detect and convict the perpetrators, *Kirk* 4657.

See also *Evidence.* *Intimidation*, 1. *Limerick.* *Louth.*

Coroners' Inquests. Improvements suggested with regard to coroners; evidence showing that the proceedings upon coroners' inquests very often lead to the obstruction of justice, *Brownrigg* 1279–1286——In many instances the coroners' courts in Ireland frustrate the ends of justice by indiscreet examination of witnesses; their duty should be confined simply to the cause of death, *ib.*

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Coroners' Inquests—continued.

1954–1964——Unsatisfactory mode of conducting coroners' inquests, *Major* 2517–2520——The coroners' court requires considerable alteration, *ib.* 2521, 2522——Evidence relative to a question put by the coroner at the inquest on Mr. Mauleverer as to the number of ejectments which had been served and the number of evictions which had taken place; and also relative to a letter written to the "Times" newspaper by the coroner with respect to Mr. Mauleverer's conduct as agent, *Lennon* 3698–3730.

Costs of Ejectments. Witness is not aware that in cases where the ejectments have been withdrawn the agent or bailiff has exacted the costs the same as if proceedings had gone on, *Major* 3193–3196.

Cottier Tenants. Opinion that the cottier tenants, as they are called, would be better off as labourers receiving money wages, *Lennon* 4076.

Counsel. With respect to the administration of justice, witness has never heard any complaint as regards the counsel for the prisoners that they do not their duty well and efficiently, *Lennon* 3500–3511.

See also *Crown Prosecutions. Prosecutions.*

Courts of Law. The courts in Ireland are open to every person in the community for redress; there is no hesitation on the part of the humbler classes in seeking redress in those courts against the higher classes, *Major* 2443, 2444.

Crawford, Mr. *Sharman.* Approval of Mr. Sharman Crawford's Bill; the most bungling measure would be better than the present state of things, *Lennon* 4169–4174.

Creggan Parish. Evidence relative to the value of the glebe land in the parish of Creggan, and the annual amount received by the Protestant clergyman, *Lennon* 3889–3944——A great number of crimes, and some of the worst description, have been committed in Creggan, Mr. Lennon's parish, which includes Crossmaglen; reference to the assault on Mr. Eastwood, the murder of Mr. Powell, and the threats exercised towards Mr. John J. Bigger, by which he has been compelled to leave the parish, *O'Callaghan* 5321–5359. 5420.

Crime. see *Agrarian Outrages. Cessation of Crime. Confederacies. Murders. Perjury. Ribbonism. Tenant League,* 1.

Crossmaglen. Witness has been since June 1851 at Crossmaglen, Armagh; was sent there specially by Lord Clarendon, *Fitzmaurice* 273–275——Instructions received from Lord Clarendon to discover the perpetrators of crime, and obtain information relative to the Ribbon system, *ib.* 276——Prevalence of the Ribbon system in that district; effect of the Ribbon confederacy in obstructing the ordinary course of justice, *ib.* 277–291——Cases of murder which have occurred in the locality of Crossmaglen from 1841 to 1851, *ib.* 297–301.

Crown Prosecutions. Opinion that the prosecutions have been badly conducted in many instances, from the incompetency of the persons doing the business of the Crown; there has been a change in the Crown prosecutors lately, *Golding* 1010–1047——Remarks as to the Crown prosecutions on circuit; there is nothing to prevent the Crown employing the best men on the circuit, *ib.*

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Crown Prosecutions—continued.

1153–1171——It would be a great improvement on the present mode of conducting the prosecutions if there were a local attorney of ability and character who would apply his talents to assist in getting up the case, *Golding* 1168——Witness has acted as Crown solicitor to the North-east Circuit for twenty-one years; counties in which witness has attended the assizes, *Hamilton* 1468–1472——Witness has conducted a great number of Ribbon cases; has personally examined the informers and the witnesses who have been produced in the courts, *ib.* 1473–1481——With reference to the conduct of Crown prosecutions on circuit, it would be desirable to have two counsel, who should make the criminal law their study and enter into a compact not to attend to any other business on circuit than the Crown cases, *ib.* 1676–1692. 1733–1744. 1827–1835——Witness has heard the failure of justice on his circuit attributed to the inefficiency of the Crown prosecutions, *ib.* 1827–1835——How far any advantage would result from the selection of two gentlemen of the bar to attend exclusively to the conduct of Crown prosecutions, *Major* 2376–2379.

See also *Juries and Jurors.* *Prosecutions.*

Crown Solicitor. It would be most desirable that there should be a resident local Crown solicitor, *Brownrigg* 1271–1273. 1378.

See also *Crown Prosecutions.* *Informations.*

Cullen, Dr. See *Roman-catholic Clergy.*

Cultivation of Land. Opinion that the land, under a proper system of cultivation, would produce double what it now produces; the corn crop grown in the district is entirely oats, *Lennon* 3585–3587. 3591–3608——All the people could seed their land if they chose to do so, though witness has heard of their applying to the agents and other parties to do it, *O'Callaghan* 5248–5253.

See also *Farms.* *Improvements*, 2. *Leases.* *Sub-letting of Land.* *Upper Fews Barony.*

D.

Defence of Prisoners. see *Counsel.* *Subscriptions.*

Detective Police. Detective men have been sent down, and have been of much use in getting information; it is an extremely difficult as well as a hazardous duty for the men, *Brownrigg* 1370–1376.

Distraint for Rent. See *Civil Bill Process.*

Distress. The whole of the people in witness's district, Catholics, Episcopalians, and Presbyterians, have borne a long period of privation with great patience, and with great submission to the law, *Lennon* 3526.

See also *Condition of the People.* *Rights of Property.*

Disturbances. Opinion that the ordinary law, vigorously and well administered, is the most effectual remedy for suppressing disturbances, *Sir M. Barrington* 4787.——*See* also *Agrarian Outrages.* *Armagh.* *Murders.*

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Division of Lands. Witness is not prepared to say that dividing large properties into small would be better to the immediate occupying tenant; in some cases it would be the reverse; the desire of becoming proprietors of land exists more with those engaged in commercial pursuits than with the farmers, *Golding* 1103-1142.——*See* also *Small Holdings.*

Domiciliary Visits. Present powers of the police as to visiting houses and searching for arms, *Warburton* 175-181——In cases where necessity existed, witness would give an extended power of domiciliary visits to houses, *Major* 2600, 2629. 2653-2655——Advantages likely to result therefore, *ib.* 2653-2655.——*See* also *Insurrection Act.*

Down. Return of agrarian outrages in the county of Down reported in 1844, 1845, 1850, and 1851, *App.* 598, 599——Statement of agrarian outrages of first three months of 1852, *ib.* 599.

See also *Agrarian Outrages. Police.*

Drainage. Imperfect system of drainage which has been adopted in Ireland, *Kirk* 4694-4696.——*See* also *Improvements*, 2.

Dundalk. See *Condition of the People.*

"*Dundalk Democrat*" *Newspaper.* Publications are circulated which tend to promote outrages; reference to the "Dundalk Democrat," the most violent of these publications, *O'Callaghan* 5069-5071——Case of this paper having been recommended to the confidence of the people by the Rev. Mr. Lennon on the occasion of his acting as chairman at a dinner given to Mr. Jordan; extract from this paper on the subject of the murder of Mr. Mauleverer, *ib.* 5267-5276. 5279-5283——Witness has frequently read articles in the "Dundalk Democrat" advocating the extinction of landlordism; this paper does not attach any other meaning to "tenant league" and "tenant right" than confiscation and communism, *ib.* 5311-5316——Witness has seen a letter in this newspaper bearing upon land, signed by the Rev. Mr. Lennon, *ib.* 5317-5320——Explanation relative to witness's having taken the chair at a public dinner at Crossmaglen, and his having spoken in favour of a newspaper called the "Dundalk Democrat," *Lennon* 5493-5507. 5589-5656.

Witness is of opinion that the writings in this paper are not calculated to encourage assassination, although witness has seen the "Dundalk Democrat" styled the "Murder Press" in the Dublin papers, *Lennon* 5500-5516. 5589-5656——Although the following extract was taken from the "Dundalk Democrat" of 3d August 1850, "We have been in the last week on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with very good effects in the neighbourhood of Crossmaglen," witness would still say that the spirit of this paper is mild, and the drift of it is peaceful, *ib.* 5568-5656——The "Dundalk Democrat" gives expression to the opinions of the Tenant League, *ib.* 5573. 5621-5627——It advocates the extinction of landlordism by constitutional means, in witness's opinion, *ib.* 5589-5627——Remarks relative to the "Dundalk Democrat;" witness does not subscribe, nor does he see that paper regularly; in what numbers he has read, he has not seen anything remarkable, nothing countenancing or advising crime, *Brown* 5849-5868.

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E.

Eastwood, Mr. Remarks relative to the attempted murder of Mr. Eastwood; doubts as to whether this was an agrarian outrage as there was robbery in the case, *Lennon* 3443-3446; *Brown* 5897-5901.——*See* also *Murders.*

Ejectments. Increase in the number of cases of ejectment in the county of Monaghan since 1846, *Major* 2461, 2462. 2467-2469——The greater number of ejectments in the county were upon the estates in the barony of Farley, belonging to Lord Bath and Mr. Shirley; in those baronies more outrages have occurred than have occurred in other districts, *ib.* 2469-2475——Great hardships which have attended the ejectment of tenants in many cases in Castle Blayney, *M'Meel* 2684-2732. 2897-2906. 2973-3046——Large number of ejectments brought by Mr. Bateson over the estates to which he was agent, *ib.* 2967-2972——Way in which the account of the number of persons served with ejectments in the county of Monaghan during the last five or six years, and the number of ejectments, may be arrived at, *ib.* 3187-3192. 3197-3200 ——There has been a decrease in the number of ejectments in the county of Louth within the last two years, *Brabazon* 4251-4257——Ejectments have been lately served on Mr. Jordan's property for non-payment of rent, *Lennon* 5565, 5566.

See also *Chambre,* Mr. *Costs of Ejectment. Emigration. Evictions. Improvements,* 2. *Notices to Quit.*

Emigration. Circulars issued by the agent of the Marquis of Bute offering the means of emigration to those tenants in arrears of rent, *Golding* 1143-1146 ——The only reason witness can assign for the present extensive emigration from Ireland is that the parties emigrate with a view to better themselves; many are induced to go out by their friends already in America; many have an idea that they will become landed proprietors there, *Brownrigg* 2081-2106. 2155——Witness has heard that many persons emigrate to America to escape the injurious influence of the Roman-catholic clergy, and the tax imposed on them by the clergy, *ib.* 2145-2159——Offer made by Lord Bath to all his tenants in arrear of a free passage to America, and a sum of money on their arrival, in order to have possession quietly, *Major* 2475-2481. 2487——In consequence of that offer not being fully accepted a great number of cases of ejectment occurred, *ib.* 2476-2478. 2487.

Remarks on the emigration going on from Castle Blayney; the feeling in favour of remaining at home is very much diminishing, *M'Meel* 2843-2867 ——The great inducement to emigrate is the wish to escape from a land of suffering, and the hopes of being able to improve their condition in another land, *ib.* 2867——Evidence relative to the extent of the emigration from witness's district; large number of remittances sent home to parties whose friends are already in America to bring them over; there is no doubt a large proportion of the Irish who emigrate to America succeed there and improve their condition, *Lennon* 3478-3499——Opinion that emigration is facilitating the settlement of the land question by diminishing the population, *ib.* 4075 ——Observations on the emigration which is taking place from Ireland to America; grounds on which witness considers the question has almost ceased

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Emigration—continued.

to be an Irish question, and has become an Imperial question, *Kirk* 4525–4531.——*See* also *Labour. Value of Land.*

Employment. See *Competition. Labour. Wages.*

Encumbered Estates Commission. Advantageous operation of the Encumbered Estates Commission in Ireland, *Kirk* 4536–4539——Beneficial effects of the Encumbered Estates Court; the court should be either a permanent establishment or a branch of the Court of Chancery, *Sir M. Barrington* 4937–4941——The receiver's jurisdiction is a great nuisance, and very little benefit; it is desirable to manage the estates so as to get rid as much as possible of the receiver's jurisdiction, *ib.* 4942–4945——Upon the whole, the Encumbered Estates Court, in its policy, in its working, and in its results, is likely to be one of the most beneficial measures that of late years has been passed for Ireland, *ib.* 4946–4954. 4962——How far it would be advisable to extend the powers of the Encumbered Estates Court, so that a person not intending to sell land might get a title to his own land, in order that at a future time he might make out that title without difficulty, *ib.* 4955–4966.

See also *Chancery,* Court of. *Monaghan. Titles to Land.*

Escape of Criminals. See *America.*

Evictions. Evictions which have taken place on the property of Mr. Shirley; frequency of the agent being threatened; he is one of those called marked men, *Golding* 1057–1065——Evictions which have taken place on the Marquis of Bute's property since Mr. French has been the agent, *ib.* 1066–1069——Dissatisfaction existing in the southern part of the county, in consequence of the numerous evictions, *ib.* 1070–1072——In Castle Blayney, in the event of evictions, parties are not prevented from taking the farms for fear of injury; the high rents prevent the farms being re-occupied, *M'Meel* 2797–2800, 3096–3106——Great number of evictions which have taken place in Farney; deserted state of the barony, *ib.* 3130–3133——The tenants on Mr. Jordan's estate have paid no rents; evictions have taken place, *O'Callaghan* 5167–5169——Great number of evictions executed both by Mr. Bateson and Mr. Mauleverer; the people in their neighbourhood became convinced from their proceedings that they were not likely to get just treatment from them, *Brown* 5880–5888. 5896–5897.——*See* also *Clearances. Ejectments. Rents,* 1.

Evidence. Impossibility of getting any evidence so as to bring home a prosecution, or to institute a prosecution of the secret societies, *Warburton* 20——The confidence in impunity, from the difficulty of getting evidence, encourages confederacy very much, *ib.* 116——The evidence is generally, but not always circumstantial, *ib.* 261——Impossibility of obtaining evidence in the event of crime being committed; great indisposition of the people to assist in the detection of criminals, *Fitzmaurice* 284–289. 302——The information which the police generally possess enables them, in most instances, to arrest the guilty persons almost immediately after the commission of an outrage, but there is no obtaining any evidence to convict upon, *ib.* 670–674 - Great difficulty experienced, from the want of legal evidence, to convict parties upon their

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Evidence—continued.

their trial; the want of such evidence has been the cause of acquittals, *Fitzmaurice* 690-697.

The magistrates cannot obtain evidence of any crime that has been committed by Ribbonmen; frequent acquittal of parties from want of legal evidence, *Golding* 792-799——Great reluctance on the part of the lower orders to give evidence in any case of crime, no matter what the crime is, *ib.* 860-868, 905-912——Impossibility of getting evidence, even in cases where murders take place in broad daylight and persons must have seen the murderers, *Hamilton* 1591-1593——Class of persons who generally come forward to give evidence as to the character of prisoners, *ib.* 1757-1759——Indisposition on the part of persons to come forward and give evidence on the part of the prosecution from fear of the consequences, *Major* 2636-2638——There should be some provision making it an offence to witness a murder committed and not come forward and give evidence, *ib.* 2639.

See also *Identification. Intimidation. Pass Words*, 1. *Sympathy of the People. Witnesses.*

F.

Fairs and Markets. Meetings which take place at fairs and markets in the day time to concert plans in contemplation, *Fitzmaurice* 434, 435. 443. 596-598.——*See* also *Illegal Meetings.*

Farley Barony. see *Ejectments.*

Farmers. There is no comparison between the class of farmers in Ireland and the same class in England, *Kirk* 4710-4715.

See also *Leases. Tenants.*

Farms. It would be very desirable that the farms generally should be enlarged, *Lennon* 4007-4013——The landlords might probably be inclined to let them at a lower rent than is demanded, but there is an indisposition on the part of tenants to come forward to take them from a fear of intimidation from the parties who have been evicted, *ib.* 4138-4146——It is absolutely necessary in the present state of things to have the farms enlarged, and cultivated with more skill and capital, *O'Callaghan* 5044-5048.

See also *Improvements. Leases. Small Holdings.*

Farney Barony. See *Evictions.*

Fitzmaurice, Captain *George.* (Analysis of his Evidence.)—Stipendary Magistrate in Ireland, 270——Has been since June 1851 at Crossmaglen, Armagh; was sent there specially by Lord Clarendon, 273-275——Instructions received from Lord Clarendon to discover the perpetrators of crime, and obtain information relative to the Ribbon system, 276——Prevalence of the Ribbon system in that district; effect of the Ribbon confederacy in obstructing the ordinary course of justice, 277-291——Impossibility of obtaining evidence in the event of crime being committed; great indisposition of the people to assist in the detection of criminals, 284-289. 302——The local magistrates who interfere actively expose their lives to peril, 291.

The ordinary enforcement of the common rights of property exposes persons to peril, so much so that they have not been exercised of late at all

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Fitzmaurice, Captain *George.* (Analysis of his Evidence)—*continued.*

scarcely, 292-294. 303——Every kind of submission to the system of intimidation tends to inflame the confederacy and give it strength, 295, 296——Cases of murder which have occurred in the locality of Crossmaglen from 1841 to 1851; 297-301——The continuance of such confederacies is inconsistent with the progress of the country, 304——Remedy suggested as to the constitution of petty juries; sympathy of the jurors with the criminals; they should be composed of more intelligent and more independent men, 305-307. 350-367. 459-464. 524-528. 652-655.

A change of the venue would be most desirable, so as to have the power of trying a case out of the locality in which it occurred in all cases of agrarian murder, 308-312. 373-379. 529. 656-665. 675-689——The rents are not exorbitant in the district; even the fair value is not paid, 313——No abatement of rent, or any yielding of that kind, would have the effect of stopping the confederacy, 314, 315——General comfortable condition of the people in Armagh, 316-318——It is very desirable that the law relating to Ribbon documents, signs, and pass-words should be restored, 319——Advantages would result from some stringent regulation as to public-houses, so as to prevent the meeting of the confederacies, 320-324. 666-669.

Impossibility of getting assistance from the people in the immediate neighbourhood when crime is committed, 325-327——Greater firmness and a more steady enforcement of just rights on the part of the landed proprietors would be most desirable, 328-330——Instances in which, after the commission of a great crime, the objects of the confederacy have been partially or altogether conceded; the effect of reductions of rent under such circumstances is a great encouragement of those illegal confederacies, 331-349——Opportunities witness has had of becoming acquainted with the condition of agriculture, the tenure of land, and such matters, in Ireland, 368-372,

It is desirable to revise the law relating to Ribbon documents; parties in possession of such documents should be liable to punishment, 380-398. 429-433. 516-523. 620-621——The good that would result from it would be greater than any evil that could result, 398——Provided the landed proprietors would oppose the system and enforce the rights of property, and that the juries could be got to do their duty, the conspiracy would be very shortly done away with, 399-401. 436——There is no occasion for the military force to protect the landowners, the present police force is sufficient to protect them in those counties under consideration, 401-407——It is customary for gentlemen in those districts to travel armed, 403-407. 479-482.

Prevalence of the system of sending threatening notices; there is great method and regularity in this proceeding of the Ribbonmen, 408-421——It is witness's impression that the majority of the tenant farmers would be glad to see the venue altered, 422-425——Witness has great confidence in the changes recommended by him, 426-428——Meetings which take place at fairs and markets in the day time to concert plans in contemplation, 434, 435. 443. 596-598——Although witness, since his being stationed at Crossmaglen, has taken every means to make public his instructions to assist in the protection of persons enforcing the rights of property, he has had but one application, in the case of Mr. Moore, the successor of the late Mr. Mauleverer, 436-441.

The people now generally meet at dances at farmers' houses, in remote districts,

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Fitzmaurice, Captain *George.* (Analysis of his Evidence)—*continued.*

districts, 442–446. 596–598——Witness attributes the cause of the outrages to a combination against the payment of rents, 447–469——Remarks relative to the outrages committed in Limerick; appointment of a commission, who finally put a stop to the outrages, 448–458——The same mode of proceeding would not answer for the North of Ireland, 454–459——The origin of Ribbonism was more a sectarian and religious system at first, but now it is aimed at the rights of property, without distinction of creed, 456. 471–492. 498–512——The increase of Ribbonism is greatly owing to the operation of the Tenant League system, 470. 563–566.

Ribbonism is altogether confined to one creed, the Roman-catholics, 473–492. 614–616——Murder of Macintaggart, a Roman-catholic, for infringing the Ribbon code, 498–512——Class of society from which the police are selected, 513–515——The combination that exists in the North of Ireland differs very little from that which formerly existed in Limerick and the South of Ireland; it is more systematically carried on, 533–538——The outrages are confined to a small and wild part of the three counties of Armagh, Louth, and Monaghan; the district has always been remarkable as being the stronghold of Ribbonism, 539–543——This society has at all times interfered more or less in the management, tenure, and occupation of land, 544–551——Witness believes that marriages have been enforced and prevented through the Ribbon tribunal, 550. 607–609.

Demoralization of all classes of occupiers of land consequent upon the prevalence of Ribbonism, 552–554. 709–711——The comparative comfortable condition of the people in the disturbed districts is entirely attributable to the interference of the Ribbon Association in the tenure of land, 555–562——Steps taken by the Roman-catholic clergy to stop the Ribbon proceedings, 567–569——Although the prime movers of Ribbonism are well known, it is impossible to obtain legal evidence of the fact, their plans are so well devised and carried out, 570–603——Number of magistrates and police in the Armagh district, from 1846 to 1851; 576–586. 617–619——General sympathy of the people of the district with the Ribbonmen; the Protestants partake of this sympathy, 603–606.

Existence of Orange societies in Ireland, 610–613——There is no doubt of the existence of a general central authority, from which the district authorities of Ribbonism receive their orders, 622–625——The suppression of the Tenant League would tend to check the committal of outrages, 626–630——The section of the Act relating to Ribbon pass-words and documents might be modified so as to be unobjectionable, 631–633——Even supposing the Tenant League question was settled, the Ribbon Society would still continue to exist, 634–638. 760, 761——Witness has no hesitation in saying that, in the event of the prosecution of Ribbonmen, their confederates would swear falsely to obtain their acquittal, 639–646.

For ordinary criminal charges, the petty jury of Ireland, as it now stands, is sufficiently constituted; it is only when agrarian outrages are the subject of the charge that they do not perform their duty, 650–655——The information which the police generally possess enables them, in most instances, to arrest the guilty persons, almost immediately after the commission of an outrage; but there is no obtaining any evidence to convict upon, 670–674——Great difficulty

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difficulty experienced from the want of legal evidence to convict parties upon their trial, 690-697——Tenant right prevails throughout the disturbed districts, 699-708——Station of life and condition of the prime movers of Ribbonism in the Armagh district, 712-724——Witness has known an instance of a person in public employment being connected with the association, 722.

Cases of Ribbonism have appeared in the very best parts of Antrim, where the tenants are most kindly treated, and the people most prosperous, 725——In the event of a murder being decided on, contributions are levied from members of the society for the purpose of paying the murderers; collection of 250*l.* in the case of the murder of Mr. Mauleverer, 727-744——The conspiracy is not on foot to defend the rights of tenants, but they want an extension of rights, and in fact to be the owners of their farms, 745, 746——Great reduction of rents in the North of Ireland since 1846; 748-750.

Observations on the subject of the Tenant League; the object of that league is that the present occupiers shall be owners, subject to a certain quit-rent, 751-760——Manner in which the contributions are collected from the Ribbonmen for the purpose of a murder being committed, 762-764——In the event of the proposed reduction of wages upon the railroads and great public works, witness has no doubt that the association would interfere to prevent it, 765-768.

Forced Contributions. See *Subscriptions.*

Free Trade. The change in the law of 1846, which diminished the value of agricultural produce, added greatly to the then existing discontent, *Kirk* 4366-4368——The change of price consequent on the sudden and unconditional repeal of the corn laws, and the famine, produced a total change in the condition of the land, and of the owners and occupiers, *ib.* 4760, 4761.

See also *Agricultural Produce.*

G.

Golding, Edward. (Analysis of his Evidence.)—Magistrate of the county of Monaghan, 769-773——Witness's attention has been drawn to the working of the Ribbon system in Monaghan, and the crimes that have been committed, 774, 775——In the cases of Mr. Mauleverer and Mr. Bateson, witness could never find anything in their dealings, as between landlord and tenant, that was the immediate cause of the murders, 776-780——Injurious influence which the confederacy exerts upon the whole locality, 781-784——In most instances parties are compelled unwillingly to make contributions to all sorts of Ribbon funds, from fear, 784-791——Impossibility of magistrates getting evidence of any crime that has been committed by Ribbonmen, 792-799.

In consequence of the great intimidation exercised, it is impossible to get juries to perform their duties fearlessly, 800-805——Suggestion that the trial of parties for Ribbon outrages should not take place in the locality where the outrage was committed, 803. 958-962——The present mode of returning jurors is exceedingly faulty; the revision of the list by the magistrates at the sessions

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sessions is of very little use, 806-811. 945, 946——Condition of the people in the county of Monaghan; proportion of Protestants to the whole population, 812-819——Extent of the Castle Blayney and Templetown estates, 820-826——Evidence upon the subject of tenant right; existence of the right in Monaghan; proceedings at the tenant-right meetings held in the district, 827-852.

Abolition of what is called "conacre;" the price of tenant right has fallen on that account, 838——Witness cannot give an opinion as to the object of the Ribbon outrages, 853-856——Such is the present unsafe state of Monaghan that witness would not leave his house at night on any consideration, 857-859——Great reluctance on the part of the lower orders to give evidence in any case of crime, 860-868. 905-912——There is a very widespread conspiracy against the law, and against the proprietors, and in many cases against the occupiers, 868——With regard to any change of the law of landlord and tenant, a measure giving perfect security for a fair compensation for improvements made by tenants might be beneficial, but no change short of a perfect confiscation would give satisfaction to the tenant, 869-878.

Manner in which witness accounts for the sympathy of the Protestants with the parties committing Ribbon outrages, 879——Friendly communication existing between the Protestant and Roman-catholic clergy of Castle Blayney, 880-883——The Roman-catholic clergy have not exercised a judicious influence in order to soothe the feelings of the people and prevent the outrages which have taken place from time to time, 884, 885——If some means were devised by which this conspiracy could be put down, so that people felt secure, a much better feeling would exist between landlord and tenant; there is every disposition on the part of both to come to a fair understanding upon the subject, 886.

Reductions of rent which have taken place from time to time; making a reduction of rent after the committal of a Ribbon outrage, is holding out a premium to assassination, 887-894——Employment of two bailiffs by witness; nature of their duties, 895-903——Strong feeling existing among the Roman-catholics that they have claims to the confiscated estates, 904——It appears to witness that the Ribbon Society are willing to lay hold of anything that may happen to push on their system and their society; the tenure of land is a favourite object of Ribbonism, 913-918——Whatever the objects of Ribbonism are, the means are common, namely, bloodshed and terror, wherever it prevails, 919-923.

Formerly tenant right was confined to a certain portion of Ulster; nature of this right as contradistinguished from the tenant right of the League; the League demands a portion of the land, 924-926——The rights of ownership as exercised in England carry with them a much more stringent power than those exercised in Ireland, 927-936——There is no general rule in Ireland as to the payment of tenants for improvement of land in the event of their losing possession; it is often a matter of private arrangement, 937-944——Frequency of justice miscarrying in the trial of criminal cases by jury in Ireland, but much more frequently when there is anything of an agrarian or sectarian character in the case submitted to the jury, 947-957.

Trial

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Trial by jury is regarded as a lottery, and not as the instrument of administering justice, 960–965——It would be more salutary to provide some special mode of trial in the disturbed districts than to deal with the law of trial by jury; the establishment of courts martial in the disturbed districts for the trial of offenders would have a salutary effect, 963–968.

[Second Examination.]—Observations on witness's former evidence that the Roman-catholic clergy have not exercised a judicious influence in order to prevent the outrages which have taken place, 969–1009——Opinion that the prosecutions have been badly conducted in many instances; there has been a change in the Crown prosecutors lately, 1010–1047——In all cases of agrarian outrage collections are made or funds furnished by the conspiracy for the defence of the prisoners, 1048–1054——Evictions which have taken place on the property of Mr. Shirley; frequency of the agent being threatened; he is one of those men called marked men, 1057–1065.

Evictions which have taken place on the Marquis of Bute's property since Mr. Trench has been the agent, 1066–1069——Dissatisfaction existing in the southern part of the county in consequence of the numerous evictions, 1070–1072——No doubt there are several encumbered estates in Monaghan; there is only one estate of any consideration in the Encumbered Estates Court, 1073–1076——With regard to the proprietors of estates in Monaghan being resident or absent, witness considers they are about equally divided, 1077–1081——Mode by which the agents of properties in the county are paid for their services, 1082, 1083——Taking a circle of ten miles round Castle Blayney, witness considers that nine-tenths of the land is in the hands of Protestant proprietors; large number of small properties held under the original Cromwellian debentures, 1085–1102.

Existence of the feeling among the Roman-catholic population that they were once the owners of the soil, and that has something to do with the state of crime, 1094–1096——Witness is not prepared to say that dividing large properties into small would be better to the immediate occupying tenant; in some cases it would be the reverse, 1103–1142——Anything that would make the transfer of land easy would be a great improvement upon the present law, 1103–1105. 1133——Desirableness of introducing facilities for making contracts between landlord and tenant, 1105. 1176, 1177——The great competition that has prevailed for the occupation of land has been one of the mischiefs in Ireland, 1131——The general condition of the tenantry on large properties is much better than the condition of the tenantry on small estates, 1134–1136. 1147–1152.

Circulars issued by the agent of the Marquis of Bute, offering the means of emigration to those tenants in arrears of rent, 1143–1146——Remarks as to the Crown prosecutions on circuit, 1153–1171——It would be a great improvement on the present mode of conducting the prosecutions if there were a local attorney of ability and character who would apply his talents to assist in getting up the case, 1168——Some of the largest proprietors are English absentees, 1172, 1173——In witness's district men of real industry and propriety prosper as in other parts of the world, 1175——Great number of persons

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Golding, Edward. (Analysis of his Evidence)—*continued.*

persons holding under leases for lives renewable for ever, that may be converted into a fee-farm rent; this has been largely taken advantage of, 1178.

Dense population of Armagh, they have all the means of employment, 1179-1186——It is very desirable that there should be but one panel for both courts; such an alteration would improve the character of the juries, 1188-1199——Witness is not aware that the power exists of trying a prisoner charged with an agrarian crime in some other county than that in which the crime was committed, 1200-1207——Generally prosecutions are not so well got up in Ireland as in England, 1208-1219——An address or document of some kind has been issued by the Roman-catholic Primate of Ireland, cautioning the people against secret societies and the commission of crime, 1220-1228.

Great deal of sympathy shown by the people of all creeds in those districts where crime has occurred, 1229-1231. 1233——The outrages committed have generally a good deal to do with the occupation of land, but not solely, 1232, 1233——Previous to the agitation as to tenant right in the county of Monaghan, the people were industrious and contented; the Ribbon conspiracy fixed itself upon that, and entirely changed the character of the people, 1233-1238.

Government, The. The Government should be armed with some powers with which they could promptly and immediately meet a state of circumstances such as at present exists in Monaghan, but witness is not prepared to state what those powers should be, *Major* 2600. 2617-2621.

Government Informers. Way in which Government informers are obliged to be treated after they have done their work, *Warburton* 207-209.

Grand Jury. It would be a great improvement in the administration of the criminal law as well as the fiscal business of the county, if some qualification for the grand jury were necessary, *Major* 2410-2415——Nature and importance of the duties of the grand jury in Ireland, *ib.* 2540-2543.

See also *Orange Lodges*, 2.

H.

Hamilton, Maxwell. (Analysis of his Evidence.)—Has acted as Crown solicitor to the North-east Circuit for twenty-one years; counties in which witness has attended the assizes, 1468-1472——Has conducted a great number of Ribbon cases; has personally examined the informers and the witnesses who have been produced in the courts, 1473-1481——The nature of the Ribbon confederacy is that it is a secret society to carry out particular objects by physical force, and generally speaking agrarian; even by murder if necessary, 1482-1485.

In the course of witness's experience he has usually found that the parties who have been made the victims of such conspiracies have been remarkable for the benevolence of their characters; instances of Mr. Eastwood and Mr. Bateson; process by which a man would be sentenced to death, and way in which the sentence would be carried out, 1491-1496——These murders

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Hamilton, Maxwell. (Analysis of his Evidence)—*continued.*

murders are frequently committed in broad daylight, latterly almost invariably, 1497—— This arises from a conviction on the part of the murderers of having the sympathy of the district, and the knowledge that nobody dare inform against them, 1498-1501.

Grounds on which witness forms the opinion that justice cannot be satisfactorily administered in the county of Louth with the jury panel constituted for the criminal court as it now is, 1502-1534. 1543, 1544 ——The jury list is in the first instance prepared by the barony collector; opinion that he is not the fit party, 1535-1542——There ought to be a better class of jurors in the criminal court; the present class of jurors are intimidated from giving a verdict according to the evidence, 1544, 1545——Witnesses are intimidated from giving their evidence from the fear of injury to themselves, 1546——It would decidedly be an advantage to the administration of justice to change the venue, 1547, 1548. 1618-1623. 1634-1637. 1651-1654. 1877.

Opinion that the Act of the 2 & 3 Vict. c. 74, ought to be re-enacted as it was originally; there is a clause in that Act making it penal on people having Ribbon documents in their possession, 1549-1570. 1597, 1598——In the North-east Circuit, Ribbonism exists in the most flourishing part of the county as well as in the most depressed, 1571——It has been alleged that the existence of Orange lodges has been the cause of Ribbonism, but witness does not believe this to be the case as Ribbonism exists in districts where there is hardly a Protestant; instance of a place called Crossmaglen, 1571-1577.

Particulars relative to the murder of Mr. Powell and of Mr. Mauleverer, 1578-1593——Impossibility of getting evidence even in cases where murders take place in broad daylight and persons must have seen the murderers, 1591-1593——Witness delivers in a copy of the rules and regulations of the United Irish Sons of Freedom, and Sons of the Shamrock, 1594-1596—— Witness has always understood that none but Roman-catholics can belong to the Ribbon confederacy, 1599, 1600.

Although the organization relates chiefly to agrarian cases, it is capable of being turned to any other purpose that requires physical force to carry it into execution, 1601-1607——There is no doubt that the existence of such conspiracies in any country is an impediment to its progress, civilization, and industry, 1608——Witness has never discovered any atrocities practised on the part of the gentry in the county of Louth, but quite the contrary, and yet Ribbonism exists over the whole county, 1609, 1610——This also applies to the county of Monaghan, 1611-1613——Districts in the county of Armagh mostly infected by Ribbonism; it does not prevail in the northern part of the county, 1614-1617.

It has been attempted to introduce the system into the flourishing county of Antrim, 1618-1623——Witness does not consider that the publicans are the sole abettors of Ribbonism, though the conspirators make use of the public-houses as being the most convenient places, and the publicans make money by it; they sell passes, 1624-1631——Titles of the different officers of the system, 1632, 1633——Witness believes that the agrarian question was the original object of forming the Ribbon Society, 1637-1644. 1651-1654

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Hamilton, Maxwell. (Analysis of his Evidence)—*continued.*

1654——Great demoralizing effect on the minds of the people from witnessing those murders; great recklessness of human life, 1645–1650.

Grounds for forming the opinion that a general reduction of rents would not put a stop to these outrages, 1655, 1656. 1661–1664——Opinion that any legislation on the law of landlord and tenant would not be likely to affect these outrages, 1657–1658——With a view to putting a stop to this system, witness would propose, first, a power of changing the venue in this class of cases, 1659, 1660 1665. 1877—Secondly, an improvement of the jury lists, 1666—And thirdly, a restoration of the clause in the Ribbon Act giving power to convict men for having in their possession Ribbon documents, 1667. 1671–1675. 1760, 1761——Difficulty in the way of extending this Act to England, although there are a great number of persons in Manchester, Glasgow, and Liverpool connected with the Ribbon system, 1668–1670.

With reference to the conduct of Crown prosecutions on circuit, it would be desirable to have two counsel, who should make the criminal law their study, and enter into a compact not to attend to any other business on circuit than the Crown cases, 1676–1692. 1733–1744. 1827–1835——Evidence showing that where a jury disagree, and an interval of time elapses before a second trial takes place, it enables those who are concerned for the prisoner to get up a case, and meet the case of the Crown on the former occasion, 1693–1709——Changes witness would suggest in the formation of the jury lists, 1710–1718——Power at present in existence for changing the venue; it requires a very strong case, 1719–1721. 1877–1884.

Opinion that the proceedings of the Tenant League are a great incentive to the commission of these outrages, 1721–1732——If publicans could be enlisted to keep unlawful societies from their houses, it would be a great step towards getting rid of the Ribbon lodges, 1745–1750——Class of persons who generally come forward to give evidence as to the character of prisoners, 1757–1759——From witness's experience, he would say that Ribbonmen getting upon juries would never find a verdict against their fellows, 1762–1774.

Evidence in detail relative to several trials of a man of the name of Sam Gray, for murder and other offences, showing that the prisoner has a right to peremptory challenges, 1775–1821. 1836–1866——Difficulty of forming an opinion as to the origin of Ribbon societies, 1822——Witness does not consider that they originated through agrarian operations, 1823——Nor does he consider that the Orange societies were the cause of their springing up, 1824–1826——Witness has heard the failure of justice on his circuit attributed to the inefficiency of the Crown prosecutors, 1827–1835.

How far the custom of tenant right exists in the disturbed districts, 1868–1871——Witness believes that of late years clearances have not taken place to any great extent, 1873–1876——Opinion that the jurors should be taken from a higher class of persons than the class to which the prisoner belonged, 1885, 1886——General class of persons forming these societies, 1887–1892 Frequency of meetings being held in the unlicensed houses, the shebeen shops; power of the police in putting down these houses, 1893–1899.

Ribbon societies exist both in the North and South of Ireland; they have the same obligations and the same pass-words, 1900–1907——How far any steps

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Hamilton, Maxwell. (Analysis of his Evidence)—*continued.*

steps have been taken by the Roman-catholic clergy to put down these outrages, 1908, 1909——At present there is a great cessation of crime; witness cannot account for this circumstance, 1910, 1911 ——Recommendation that after the stipendiary or the local magistrates have taken informations they should be sent without delay to the Crown solicitor, 1914–1923.

"*Hearts of Oak*" *Association.* Formation of the "Hearts of Oak" combination in Armagh, in 1763; nature and object of this combination, *Kirk* 4369.

"*Hearts of Steel*" *Association.* Formation of an important combination in Antrim, in 1773, called the "Hearts of Steel; nature and object of this combination, *Kirk* 4369–4372.

I.

Identification. Identification is usually conducted by the stipendiary magistrates, and it is one of the principal items in a trial to be attended to, *Warburton* 259, 260.

Illegal Meetings. At night, in the district where witness is stationed, the meetings now generally take place at dances, at farmers' houses, in remote parts, *Fitzmaurice* 442–446. 596–598.

See also *Fairs and Markets. Public-Houses. Shebeen Houses Tenant League,* 2.

Improvements:

1. *Generally.*
2. *Evidence as to the Hardships experienced by the Tenant from no Allowance being made to him for Improvements.*
3. *Suggestions for securing Compensation to the Tenant for Improvements made by him.*

1. *Generally:*

There is no general rule in Ireland as to the payment of tenants for improvement of land in the event of their losing possession; it is often a matter of private arrangement, *Golding* 937–944——All the improvements are made by the tenants; on the mountain farms the tenants look with a sort of right upon the soil, having reclaimed the land from waste, *Kirk* 4510–4524——All the improvements in witness's property in Louth were made by his brother and by himself; the tenants were employed in the labour, and paid the highest rate of money wages, *O'Callaghan* 5002–5004——Impossibility of having improvements made without interfering, more or less, with the possession of the small occupiers; they make no improvements, and the cottages they run up are mere pigsties, *ib.* 5049–5053.

2. *Evidence as to the Hardships experienced by the Tenant from no Allowance being made to him for Improvements:*

Dissatisfaction created among the tenantry by the present laws with respect to improvements; until within the last three years no allowance was made to the

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Improvements—continued.

2. *Evidence as to the Hardships experienced by the Tenant from no Allowance, &c.*—continued.

the tenants in Castle Blayney for drainage and improvements; the tenants do not like to make improvements, from the uncertainty of their tenure, *M'Meel* 2756. 2789——When improvements have been made in the farms by the occupiers, it has been the custom to increase the rents, *Lennon* 3243–3252—— Under the existing law, tenants have no security for improvements; this leads to a general neglect of cultivation, *Kirk* 4420–4423. 4461——Case of great hardship in which a tenant was ejected from his farm after expending 900*l.* in improvements, without any compensation being made him, *ib.* 4424–4468——. Unjust nature of the law in Ireland, which gives the landlord power to evict his tenants without giving any compensation for improvements, *ib.* 4706–4709 ——Cases in which tenants have improved their farms, and the improved value is absorbed by an increase of rent, and no compensation given to the tenant, are, in witness's opinion, social wrongs, *Brown* 5676, 5677——Improvements made by tenants-at-will upon the faith that they will not be disturbed; cases of hardship and injustice occasionally occur of parties being ejected without compensation for their improvements; instance of the ejectment of Mr. Garmany from the estate of Lord Templetown, *ib.* 5714–5746.

3. *Suggestions for securing Compensation to the Tenant for Improvements made by him:*

It would tend very much to the improvement of land if an Act were passed containing some simple clauses giving tenants compensation for improvements effected by them, *M'Meel* 2842. 2915–2929——Nature of the provisions necessary to be inserted in the Bill to give tenants security for compensation for improvements; manner in which the value of improvements should be calculated and settled, *Kirk* 4582–4616. 4639–4649. 4767–4769——Necessity for establishing security of tenure on fair principles to both landlord and tenant; the tenant should be allowed compensation for all improvements, *Brown* 5791–5799.

See also *Compensation for Improvements. Contracts. Landlord and Tenant*, 1. *Value of Land.*

Informations. Recommendation that after the stipendiary or the local magistrates have taken informations they should be sent without delay to the Crown solicitor, *Hamilton* 1914–1923.

Informers. see *Government Informers.*

Inquests. see *Coroners' Inquests.*

Insurrection Act. Observations on the expired Act called in Ireland the Insurrection Act; great and extraordinary powers of the Act; witness would not be disposed to suggest its re-enactment, *Major* 2600–2605——But certain of its provisions might be taken, and applied under peculiar circumstances, *ib.* 2630 ——The remedies applied to the state of agrarian outrage have been the Insurrection Act for a considerable period, and special Commissioners, *Sir M. Barrington* 4787——Witness has been always opposed to the Insurrection

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Insurrection Act—continued.

Act; periods during which the Act has been in force, *Sir M. Barrington* 4787, 4788——The principal provisions of the Insurrection Act of 1816 were to prevent persons being out at night, and for domiciliary visits, *ib.* 4804, 4805——Different sentences contained in the different Insurrection Acts; the fate of the criminal depends on the Act under which he is prosecuted, *ib.* 4805–4807.

Intimidation:

1. *Evidence as to the existence of Intimidation.*
2. *Opinions as to the effect of Ribbonism in producing Intimidation and obstructing the course of Justice.*

1. *Evidence as to the existence of Intimidation:*

A most decided system of intimidation was carried on when witness was in Armagh, *Warburton* 20–23——The intimidation extends to all classes; persons connected with the administration of justice are more or less put in peril by doing their duty, *ib.* 58, 59. 71–81——The great difficulty of obtaining convictions of persons whom all the world know to be guilty, arises from the intimidation of witnesses and apprehension on the part of the jurors, *Major* 2422–2425——The law should not be one of punishment alone, but one of protection and prevention; large numbers of the lower classes who are so circumstanced that it would be very difficult for them to resist the intimidation system, *ib.* 2621–2625——Intimidation exercised over the minds of jurors; some of them have sympathizing feelings with the prisoners, *O'Callaghan* 5290–5295. 5298, 5299.

2. *Opinions as to the effect of Ribbonism in producing Intimidation and obstructing the course of Justice:*

Ribbonism produces general terror and intimidation, and obstructs the administration of justice, *Brownrigg* 1245–1247——Great objection of parties to be on juries in cases of agrarian murders, commonly called Ribbon murder cases, from the fear that if the prisoner is convicted their lives will be in danger; opinion that this fear is well founded, *Brabazon* 4211–4225——The Ribbon Society is at the bottom of this state of things, *ib.* 4224, 4225——Instances have occurred of tenants being intimidated and prevented from the due fulfilment of their rent payments by the terrors of Ribbonism, *Kirk* 4774–4776——It exercises a great intimidation over the minds of the people and obstructs the general course of justice; case illustrating this assertion, *O'Callaghan* 5021–5029——The existing system exercises much intimidation over the jurors; the prisoners do not fear trial by jury at all, *ib.* 5055–5058.

See also *Castle Blayney. Confederacies. Evidence. Juries and Jurors*, 2. *Priests. Ribbonism*, 1. *Rights of Property. Terror. Venue. Witnesses.*

J.

Judges. Opinion that trying every case by ballot would remove a great deal of the prejudice which exists that the judges are not fairly chosen, *Brabazon* 4318–4328——The judges at quarter sessions are fair and just in their decisions;

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Judges—continued.

sions; the superior judges are above all impeachment, *Kirk* 4762–4766—— Criminal justice is properly administered on the part of the judges, *O'Callaghan* 5291–5294.

Juries and Jurors:

1. *Evidence as to the present defective Constitution of Juries.*
2. *Miscarriage of Justice from the Intimidation of Jurors.*
3. *Suggestions for improving the Constitution of Juries.*
4. *Opinions in favour of Amalgamating the Panels of Jurors for the Trial of Civil and Criminal Cases.*
5. *Recommendations as to the Preparation of Jury Lists and Jurors' Books.*

1. *Evidence as to the present defective Constitution of Juries:*

Defective manner in which juries are now formed, *Warburton*, 91, 92—— The present mode of returning juries is exceedingly faulty; the revision of the list by the magistrates at the sessions is of very little use, *Golding* 806-811. 945, 946——The main statute for regulating the formation of juries is 3 & 4 Will. 4, c. 91, commonly called Judge Perrin's Act; mode of proceeding under that Act, *Major* 2257–2258——The jury books cannot be made up according to the provisions of that Act, *ib.* 2258–2263——The present mode is a most improper and unsatisfactory mode of striking the jurors, or of creating a panel for the trial of civil rights or criminal offences, *ib.* 2259–2261 ——The present jury system in Ireland is cumbrous, and in very many instances abortive, *ib.* 2345–2350——Evidence as to the publicity given to jurors's lists, *ib.* 2551–2555——In many cases crime is induced by a species of confidence in the present constitution of the jury list, *ib.* 2605, 2606. 2626-2629.

Complaints as to the constitution of juries, *Lennon* 3500–3511——Numerous defects in the present system of making out the jurors' lists and the jurors' books, *Brabazon* 4179 *et seq.*——Great difficulty in getting a sufficient number of jurors; from the smallness of their number they are constantly called upon to attend sessions and assizes, *ib.* 4200–4202——A change in the mode of composing the jurors' book is essential to the administration of justice, *ib.* 4210.

2. *Miscarriage of Justice from the Intimidation of Jurors:*

Indisposition on the part of jurors to serve through fear, *Warburton* 78–82 ——In consequence of the great intimidation exercised it is impossible to get juries to perform their duties fearlessly, *Golding* 800–805——Frequency of justice miscarrying in the trial by jury of criminal cases in Ireland, especially when there is anything of an agrarian or sectarian character in the case submitted to the jury, *ib.* 947–957——Justice cannot be satisfactorily administered in the county of Louth, with the jury constituted as it now is, *Hamilton* 1502–1534. 1543, 1544——There ought to be a better class of jurors in the crimi-

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JURIES AND JURORS—continued.

2. *Miscarriage of Justice from the Intimidation of Jurors*—continued.

nal court; the present class of jurors are intimidated from giving a verdict according to the evidence, *Hamilton* 1544, 1545——From witness's experience, he would say that Ribbonmen getting upon juries would never find a verdict against these fellows, *ib.* 1762–1774.

3. *Suggestions for improving the Constitution of Juries:*

Suggestions on the subject of the framing of the jury panels; recommendation that there should be a general revision of the jury laws, *Brownrigg* 1274–1278. 1378——Jurors should be taken from a higher class of persons than the class to which the prisoner belongs, *Hamilton* 1885, 1886—— Introducing the system of Scotch juries in voting by certain majorities might be an advantage; the number of jurors might be increased to fifteen, and the number to convict be twelve, *Brownrigg* 2171—— Persons of intelligence in the county should be brought as much as possible to take their fair share in the administration of justice, *Major* 2266——Jurors for criminal cases ought to be made as respectable as civil jurors, *ib.* 2375——Opinion as to the number of jurors requisite for a county having the same panel for both courts, *ib.* 2404–2409 ——Jurors for the trial of agrarian outrage should be selected from amongst gentlemen of considerable property, as farmers would be liable to intimidation, and it would be difficult to get a verdict, *Sir M. Barrington,* 4833–4853——Making a more substantial class of persons perform the duties of jurors would be a very great improvement, *O'Callaghan* 5297–5299. 5309, 5310.

4. *Opinions in favour of Amalgamating the Panels of Jurors for the Trial of Civil and Criminal Cases:*

Resolution of the Committee that there shall be but one panel of jurors to try issues, criminal and civil, at each assizes, in addition to any special jury which may be lawfully summoned, and that measures shall be adopted to secure strict impartiality in the construction of the jury panel, *Rep.* iv——At present there are two different panels returned to trial at the assizes, one for the Record Court and the other for the Crown Court; it is very desirable that there should be but one panel for both courts, *Golding* 1188–1199——Difference in the class of jurors who attend the civil side of the court and those who attend on the criminal side at assizes, *Major* 2283, 2284——Great advantage would result from their being but one panel, *ib.* 2284–2298. 2341 ——Suggestion that jury lists should be formed by ballot, *ib.* 2498–2502—— Number of jurors requisite to attend the assizes under the system of having one panel, *Brabazon* 4293–4298——It would be desirable to have but one panel of jurors summoned for the assizes, *Kirk* 4661–4665; *Sir M. Barrington* 4821–4832.

5. *Recommendations as to the Preparation of Jury Lists and Jurors' Books:*

Resolution of the Committee that the jurors' book be made up from a list of the names of all persons rated under the Poor-law valuation to the amount of not less than *l.*, to be furnished to the clerk of the peace, or other responsible officer, by the clerk of the union in which the rated property is situate,

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JURIES AND JURORS—continued.

5. *Recommendations as to the Preparations of Jury Lists and Jurors Books*—continued.

situate, *Rep.* iii, iv——The jury list is in the first instance prepared by the barony collector; opinion that he is not the fit party; suggestion for the improvement of the jury lists, *Hamilton* 1535-1542. 1666——Changes witness would suggest in the formation of the jury lists, *ib.* 1710-1718——Suggestion for taking the revised list of voters for the purpose of forming the jury list, *Major* 2556, 2557——Advantages likely to result from the alterations suggested in the jury list, and by having but one panel, *ib.* 2603–2607——With reference to the formation of the jury lists, witness would still leave the selection of the panel to the sheriff; there should be but one list for both courts, *Brabazon* 4275–4288. 4295–4298.

See also *Acquittals. Barony Collectors. Cess Collectors. Challenging Jurors. Grand Jury. Intimidation*, 1. 2. *Louth. Magistrates. Petty Juries. Prosecutions. Qualification of Jurors. Special Juries. Summoning Jurors. Threatening Notices. Trial by Jury. Venue.*

K.

Keady. There has been but few outrages in Keady; occasional outbreaks have occurred, and two persons have lost their lives, *Kirk*, 4358–4361.

Kirk, William. (Analysis of his Evidence.)—Linen merchant and bleacher at Annvale, in the county of Armagh; magistrate of the county, 4347——Large number of persons employed by witness and his sons in the manufacture and bleaching of linen, 4348-4356——There has been but few outrages in Keady; occasional outbreaks have occurred, and two persons have lost their lives, 4358-4361——Witness attributes the main sources of the outrages and discontent to three causes: disputes arising from the relations between landlord and tenant, the execution of civil bill decrees made by the assistant barrister, and party spirit arising from differences of religious opinions, 4362-4365. 4731.

Existence of discontent upon the question between landlord and tenant for a very long period, 4366——The change in the law of 1846, which diminished the value of agriculture, added greatly to the then existing discontent, 4366–4368——Existence of various secret societies at different times in the county of Armagh, 4369 *et seq.*——All trace of any secret society has long since vanished from the county of Antrim, 4373, 4374——Remarks relative to the confederacy called "Whiteboys," about 1788 or 1790; 4375, 4376——Origination of the Orange Association in the county of Armagh, about the beginning of the present century, 4377, 4378——Observations as to the Ribbon Society; formation of the society as an antagonistic system to the Orange Society, 4379-4384. 4681.

Opinion that neither the Ribbon system or the Orange system would have been in active operation had it not been for the unfortunate neglect of allowing the Processions Act to expire, 4385, 4386——Evidence as to the nature of civil bill decrees, and the manner in which executed; 4387-4396. 4732-4735——Complaint among the occupying tenants in Armagh of the high rents for land;

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Kirk, William. (Analysis of his Evidence)—*continued.*

land; opinion that in many cases it is too high, 4396*–4403——The landed proprietors in Armagh are generally tolerably large proprietors, 4404–4408——They are generally absentees, 4409, 4410——Management of the estates in the county by agents; character and qualification of these agents, 4411–4415.

Great anxiety on the part of tenants to obtain leases; witness is not aware that many leases have been granted in the district within the last few years, 4416–4419——Under the existing law tenants have no security for improvements effected by them; this leads to a general neglect of cultivation, 4420–4423. 4461——Case of great hardship which occurred of a tenant being ejected from his farm after expending 900 *l.* in improvements, without any compensation being made him, 4424–4468——Remarks as to the cultivation of potatoes, 4469–4474——If the landlords resided amongst their tenants a much better state of things would result, 4475–4481.

There is no doubt that in some districts the tenants are subject to harsh treatment on the part of the landlords or their agents, 4483——Management of the estates by agents or bailiffs, by the system of distraining and impounding cattle, &c.; favouritism and inequality in the proceedings of the bailiffs, 4484–4488——Remarks relative to the working of the tenant-right system, 4489–4499——Reductions of rent have taken place in some cases, in others the old rents are kept up; the whole of the rents must eventually be reduced, 4500–4505——The sums expended on roads, bridges, and public works are obtained by taxation from the occupiers; the landlords do not contribute for these purposes, 4506–4509.

All the improvements are made by the tenants; on the mountain farms the tenants look with a sort of right upon the soil, having reclaimed the land from waste, 4510–4524——Observations on the emigration which is taking place from Ireland to America, 4525–4531——It is most important to elevate the position of the Irish peasantry, 4531——There is no such thing as sales in the absolute fee in land, in small portions, in witness's district, 4532–4535——Advantageous operation of the Encumbered Estates Commission in Ireland, 4536–4539——The effects of the potato failure and the reduced prices of agricultural produce have lessened the farming capital of the country and exhausted the means of the tenants, 4539, 4540.

Difficulties in the way of transferring land under the existing law; any law giving greater facilities for the transfer of land would be looked upon as a great boon, 4541–4562. 4716–4729——In the event of such facilities being given many occupiers would become purchasers, as there is a great anxiety on the part of farmers to become the absolute owners of their farms, 4563–4568——Opinion that the reign of terror is created for the purpose of preventing landlords using the powers which the law gives them for the recovery of rents and the possession of their lands, 4569–4573——The feeling of the people is that the price of land and rents can be regulated by law, and they require that the law should step in to moderate their rents and give them compensation for improvements, 4573–4581.

Nature of the provisions necessary to be inserted in the Bill to give the tenants necessary security for compensation for improvements, 4582–4616. 4639–4649 4767–4769——Observations as to the general character of the Irish people, 4617–

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Kirk, William. (Analysis of his Evidence)—*continued.*

4617-4638——Importance of landlords performing the various social and moral duties of their station, 4636, 4637——The property of Mr. Chambre is very high rented, but witness is not aware of any case of eviction or severity on his part, 4650, 4651——Great disposition of the Irish tenant to have a tenant under him; they are anxious to sublet, 4652——It would be very desirable to carry out the improvements of Ireland by way of contract if possible, that is, that there should be two parties contracting by way of lease, rather than let to tenants at will, 4653-4656.

Cessation of crime after the attempt to murder Mr. Chambre, 4657——One great encouragement to agrarian outrages is their success, and the impossibility of detecting and convicting the perpetrators, 4657——Levy of a rate for extra police in all proclaimed districts; it is advisable that that Act should be continued, 4657-4660——Objections to the present practice of having a difference in the class of jurors for civil and criminal courts; it would be a desirable change in the law to have but one panel of jurors, 4661-4665——Importance of the police having every facility for the capture of persons in possession of Ribbon documents, 4666-4668.

In cases where the administration of justice is seriously interfered with by intimidation, power should be given to the Court of Queen's Bench to order a trial to take place in some other locality, 4669-4680——Difference between the Orange Society and the Ribbon Society; members of the Ribbon Society have been convicted of many agrarian outrages, whereas members of the Orange Society have never been accused of such outrages, 4682-4684. 4742-4745——Reasons why the law of landlord and tenant in Ireland is different from what it is England, 4685-4693——Imperfect system of drainage which has been adopted in Ireland, 4694-4696.

Witness does not agree with the statements of political economists that estates are far better managed where there are no resident landlords; he looks upon the non-residence of landlords as a great disadvantage, 4697-4700——Great competition for land in Ireland, 4701-4703——Necessity for the reduction of rents in Ireland, 4704-4706——Unjust nature of the law in Ireland, which gives the landlord power to evict his tenants without giving any compensation for improvements, 4706-4709——There is no comparison between the class of farmers in Ireland and the same class in England, 4710-4715.

Witness would not propose any law to compel a man to make a lease of his property when he did not wish to do so, 4730——The Legislature has dealt with party processions and Orangeism by positive law; the law has been pretty generally obeyed, 4736-4741——Parties have stated on the trials for agrarian outrages, that they have been ordered by the Ribbon Society to commit the murder without having any cause of enmity, 4746-4750——The change of price consequent on the sudden and unconditional repeal of the corn laws and the famine produced a total change in the condition of the land, and of the owners and occupiers, 4760, 4761——The judges at quarter sessions are fair and just in their decisions; the superior judges are above all impeachment, 4762-4766.

Although some landlords may be too exacting and careless about their tenants, it is not the case upon the greater number of properties, 4670-4673

Report, 1852—*continued.*

Kirk, William. (Analysis of his Evidence)—*continued.*

——Instances have occurred of tenants being intimidated and prevented from the due fulfilment of their rent payments by the terrors of Ribbonism, 4774–4776——The reductions of rent have led to further demands in many cases, 4777——Opinion that the Tenant League has not benefited the country, 4778, 4779——There is a deep-felt and wide-spread feeling existing of the necessity of legislation as between landlord and tenant; it is the interest of the landlord quite as much as the interest of the tenant that something should be speedily done, 4778, 4779——Ribbonism, as at present existing in the country, is a great obstacle to any fair dealing and good understanding between landlord and tenant, 4780.

L.

Labour. Emigration has not gone on to the extent of making labour scarce, *O'Callaghan* 5238–5240.——*See* also *Emigration. Wages.*

Landlord and Tenant:

1. *Generally.*
2. *Suggestions and Evidence in favour of Legislative Interference between Landlord and Tenant.*
3. *Opinions against the necessity of Legislative Interference.*

1. *Generally:*

If some means were devised by which the confederacies could be put down, so that people felt secure, a much better feeling would exist between landlord and tenant; there is every disposition on the part of both to come to a fair understanding upon the subject, *Golding* 886——Evidence of discontent upon the question between landlord and tenant having existed for a very long period, this discontent was aggravated by the failure of the potato crop, *Kirk* 4366——Reasons why the law of landlord and tenant in Ireland is different from what it is in England; in Ireland the tenants have made all the improvements on the land, *ib.* 4685–4693——Ribbonism, as at present existing in the country, is a great obstacle to any fair dealing and good understanding between landlord and tenant, *ib.* 4780.

2. *Suggestions and Evidence in favour of Legislative Interference between Landlord and Tenant:*

Suggestion of the Committee that the attention of the Legislature be directed to an early consideration of the laws which regulate the relation of landlord and tenant in Ireland, with a view to their consolidation and amendment, *Rep.* iv——And especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements, and otherwise place the relation on a more satisfactory basis, *ib.*——Opinion that if the relation between landlord and tenant were placed on a footing which would preserve and secure the rights of the one, and meet the equitable demands of the other, it would effect a great deal of good, *Brownrigg* 2062–2073. 2135–2138——If a law were passed which would regulate fairly the relation between

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LANDLORD AND TENANT—continued.

2. *Suggestions and Evidence in favour of Legislative Interference between Landlord and Tenant*—continued.

tween landlord and tenant, there would not be a more peaceable district than Upper Fews in any part of the kingdom, *Lennon* 3527, 3528——Taking the character of landlords generally, this could not be done without some new law, making out in some definite way the landlord's right and the tenant's right; opinion that there would be no difficulty in doing this to the interest of both parties, *ib.* 3529-3539.

Witness is satisfied that if all the secret societies were banished out of the country, and all the Ribbonmen hanged or transported, the present unhappy state of things would continue, unless some fair and equitable arrangement be made between the owner and the tiller of the soil, *Lennon* 3819-3824. 3955——There is a deep-felt and wide-spread feeling existing of the necessity of legislation as between landlord and tenant; it is the interest of the landlord quite as much as the interest of the tenant that something should be speedily done, *Kirk* 4778, 4779——Want of some constitutional remedy for the social wrongs connected with the relation of landlord and tenant, *Brown* 5674-5676——The outrages in Armagh arose from the unfortunate state of the relations between landlord and tenant, *ib.* 5891.

3. *Opinions against the necessity of Legislative Interference:*

Opinion that any legislation on the law of landlord and tenant would not be likely to affect the outrages, *Hamilton* 1657, 1658——Witness does not consider that the outrages can be attributed to the laws between landlord and tenant; it is the possession of land, and disputes about the possession of land, which lead to these outrages, Sir *M. Barrington* 4906-4913.

See also *Agrarian Outrages. Agreements. Compensation for Improvements. Contracts. Free Trade. Proprietors of Land. Tenant League. Tenant Right.*

Landlords. Number of landlords in the parish of Upper Creggan; number and names of those proprietors holding large properties; how far they are resident, *Lennon* 3232-3242——Opinion that in most of the cases of outrage the victims have been guilty, more or less, of harsh treatment towards their tenants, *ib.* 4147-4153——If the landlords resided amongst their tenants a much better state of things would result, *Kirk* 4475-4481——Importance of landlords performing the various social and moral duties of their station, *ib.* 4636, 4637——Witness does not agree with the statements of political economists that estates are far better managed where there are no resident landlords; he looks upon the non-residence of landlords as a great disadvantage, *ib.* 4697-4700——Although some landlords may be too exacting and careless about their tenants, it is not the case upon the greater number of properties, *ib.* 4670-4673.

See also *Absenteeism. Agricultural Produce. Improvements. Landlord and Tenant. Leases. Oppression. Proprietors of Land. Rents,* 1. *Rights of Property. Terror. Threatening Notices. Treatment of the People.*

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Leases. Large number of persons holding under leases for lives, renewable for ever; they may be converted into a fee-farm rent, and this has been largely taken advantage of, *Golding* 1178——There are no leases on Lord Templeton's property; there are some leases on Lord Blayney's property; the farms held on leases are in a better condition than those held at will, *M'Meel* 2911–2913——Opinion that it would be beneficial to both parties if the landlords were to grant leases, *Lennon* 3551–3562——Anxiety on the part of tenants to obtain leases, *Kirk* 4416–4419——Witness would not propose any law to compel a man to make a lease of his property when he did not wish to do so, *ib.* 4730——Remarks relative to the granting of leases in Newtownhamilton; the majority of the farmers are tenants at will, *Brown* 5690–5713——Leases in Ireland are very insecure, sometimes from the want of proper title in the landlord, and at other times from the multiplicity of matters introduced into leases; cases in which great injustice has resulted to the under-tenants, *ib.* 5747–5767.——*See* also *Contracts. Tenure of Land.*

Legislative Interference. See *Landlord and Tenant*, 2. 3.

Lennon, Rev. *Michael.* (Analysis of his Evidence.)—Priest of Roman-catholic Church; has had charge of the parish of Upper Creggan, in the barony of Fews, in the county of Armagh, since 1829; 3201–3206——About two years ago some very bad cases of outrage occurred in the county of Armagh, but for the last two years the district has been comparatively tranquil, 3207, 3208——Evidence with respect to the state of the barony of Upper Fews, as regards the cultivation of the barony and the employment of the population, 3209–3215——Improvements which have taken place in the cultivation; great reclamation of bog or waste land; the improvements have been entirely carried out by the tenants, 3215, 3216. 3243–3245—— Description of tenure upon which the tenants hold their property; discontinuance of leases, 3217–3219. 3246.

Decrease in the population of Upper Creggan since 1845; proportion of Roman-catholics to Protestants, 3220–3231——Number of landlords in the parish; number and names of those proprietors holding large properties; how far they are resident, 3232–3242——Where improvements have been made on the farms by the occupiers it has been the custom to increase the rents, 3243–3252——The competition for land is very great, owing to the cause that between the occupation of land and starvation there is no alternative, 3253–3256——In many cases the rents are so high that with all the efforts, sacrifices, and privations of the tenants it is impossible to pay them from the produce of the ground, 3253–3256.

There have been a great number of cases recently in witness's neighbourhood where property has been transferred from the management of the agents of the property to receivers under the Court of Chancery; instances showing that in many of these cases re-valuations have been made by order of the Court, and great reductions made in the rents; strong instance of this in a case of glebe property, 3257–3350——The rents were all above the new valuation, and were all expected to be paid; before the failure of the potato crop and the fall in the price of agricultural produce they were mostly correctly paid, but since that time it has been impossible to pay them correctly, 3351–3358.

For

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Lennon, Rev. *Michael.* (Analysis of his Evidence)—*continued.*

For the first two years after the potato failure scarcely any abatements were made in the rents, and when an abatement was eventually offered it was offered on such terms that scarcely any of the tenants were able to avail themselves of it, 3359-3363——Detail of various particulars connected with the murders of Mr. Powell, Mr. Mauleverer, the two brothers Clarke, and of Mr. Bateson, showing that the impression of the people is that the result of these murders is that they have gained, either by greater security in their holdings or by reductions of rent, in consequence of these crimes, 3364-3438.

Previously to the attempt to murder Mr. Chambre there was an ill feeling towards him in his part of the county in consequence of his evicting a large number of tenants, and charging a very high rent, and taking strong measures for its recovery, 3439-3442——Opinion that the attempted murder of Mr. Eastwood was not an agrarian outrage, but was an ordinary highway robbery, 3443-3446——There is no ill feeling in witness's neighbourhood arising from differences of religion, 3447-3458——General objection to the large increase of police force sent into the district of Upper Fews, and the taxation consequent thereon; memorial presented to the late Lord Lientenant on the subject, and result, 3458-3477. 3540-3550.

Witness is not aware upon what information or on what grounds this additional police force was sent, as the district was as peaceable as any of the adjoining districts; a representation to this effect was made in the memorial presented to the Lord Lieutenant, 3458-3477. 3540-3550——Evidence relative to the extent of the emigration from witness's district; large number of remittances sent home to parties whose friends are already in America to bring them over; there is no doubt a large proportion of the Irish who emigrate to America succeed there, and improve their condition, 3478-3499.

With respect to the administration of justice, witness has never heard any complaint as regards the counsel for the prisoners that they did not do their duty well and efficiently, 3500-3511——There have been complaints as to the constitution of juries, 3500-3511——In witness's opinion the Ribbon Society, as an organization, is in no way connected with these outrages; the Ribbon Society is a sort of defence against the Orange Society, 3512-3517. 3648. 3665-3670—— Opinion that the one is the effect of the other, and that wherever the one has abated the other has abated also; there was never so little secret combination as at the present time; great efforts made by the clergy to put it down, 3513. 3518-3525.

Opinion that Ribbon lodges are not held for the purpose of adjudicating on cases of offences against what are considered the rights of tenants, and that they decide on the death of persons hateful to them, 3515-3517. 3649, 3650 ——Witness considers the outrages arise from dissatisfaction at the harsh treatment sometimes pursued by agents, and landlords, and bailiffs who are concerned in recovering rents, which it is impossible for the people to pay, 3515. 3649, 3650. 3971-3673 ——The whole of the people in witness's district, Catholics, Episcopalians, and Presbyterians, have borne a long period of privation with great patience, and with great submission to the law, 3526.

Witness is fully convinced that if a law were passed which would regulate

Report, 1852—*continued.*

Lennon, Rev. *Michael.* (Analysis of his Evidence)—*continued.*

late fairly the relation between landlord and tenant on equitable and fair principles, and the land was fairly let and security given as to the tenure, there would not be a more peaceable district in any part of the kingdom, 3527, 3528——Taking the character of landlords generally, this could not be done without some new law, making out in some definite way the landlord's right and the tenant's right; opinion that there would be no difficulty in doing this to the interest of both parties, 3529-3539——Witness is not aware of the cause of the indisposition on the part of landlords to grant leases, but is of opinion that it would be beneficial to both parties if they were to grant them, 3551-3562.

Evidence relative to the employment of labour and the rate of wages in witness's district, 3563-3578——Estates on which reductions of rent have taken place, 3579-3584——Opinion that the land under a proper system of cultivation would produce double what it now produces; the corn crop grown in the district is entirely oats, 3585-3587. 3591-3608——Average rent of the land in the district, 3588-3590——Witness's opinion of landlords in general is that they are fond of charging high rents, or rents which are not easily paid, 3622-3626——Witness is not aware of any actual crime having been committed in his district since the murder of Mr. Mauleverer; he has heard that threatening notices have been sent by the Ribbon Society, 3627-3630.

The Ribbon Society is confined to a very small number in the district, and they are of the very lowest class; they are excommunicated *de facto*, 3630-3637——Subscriptions are entered into for the defence of prisoners accused of murder, 3638-3641——The object of the Tenant League is to obtain a security for the tenant which he has not at present; witness's opinion is, that they are taking a peaceable and constitutional mode of accomplishing this object, 3651-3664——Statement relative to the various causes of agrarian outrage which have come under witness's notice; in no case has a single Protestant been accused, imprisoned, or tried for any of these crimes, 3674-3697.

[Second Examination.]—Evidence relative to a question put by the coroner at the inquest on Mr. Mauleverer as to the number of ejectments which had been served, and the number of evictions which had taken place; and also relative to a letter written to the "Times" newspaper by the coroner with respect to Mr. Mauleverer's conduct as agent, 3698-3730——The result of witness's observations and experience leads him to the conclusion that the Ribbon conspiracy is rather of a political than a social nature, and that it has been brought forward from the existence of the Orange Society, 3731-3745.

Opinion that there is no definite object intended by the Ribbon Society in reference to the land outrages at all, 3731. 3737, 3738——Further details relative to the murder of Mr. Powell, the agent of Mr. Quinn, showing how far this murder may be said to have been connected with Ribbonism, 3746-3791——Further evidence relative to the murder of Mr. Mauleverer, and the trial and acquittal of Hanratty; great difficulty of getting persons to swear to the identity of the prisoner, 3792-3818——Witness is satisfied that if all the secret societies were banished out of the country, and all the Ribbonmen hanged

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hanged or transported, this same unhappy state of things would continue unless some fair and equitable arrangement be made between the owner and the tiller of the soil, 3819-3824. 3955.

Opinion that if manufacturing industry could be introduced into the country there would be an absence of crime, and proprietors might reside in the country in security, which they cannot do now, 3823-3854——Witness attributes the crimes altogether to competition for land, to removal from the possession of land, and to absenteeism, 3827, 3828——Further particulars relative to the murder of Mr. Powell, the agent of Mr. Quinn; how far ejectments had been served on the tenants, 3830-3854——The value of agricultural produce in Ireland has changed very much within the last few years; the landlords have suffered very severely in poor rates and taxes, and diminished rents, 3855-3888.

Further evidence relative to the value of the glebe land in the parish of Creggan, and the annual amount received by the Protestant clergyman, 3889-3944——Opinion that if the tenant got a legal security for the interest that he creates in the soil he would be satisfied; he should be allowed to continue in possession so long as he paid a fair rent, 3945-3947. 3953-3963. 4068-4074——Witness agrees generally with the objects which the Tenant League has in view, 3948-3952—— How far it is the principle of the Tenant League to transfer the entire right to the property from the landlord to the tenant; the landlord's right to a fair rent is recognised fully as well as his right of control over his property, 3956-3963.

Grounds for forming the opinion that the question of what is a fair rent is easy to be solved, 3964-3975——Objection to competition for land in districts where the people have no other employment, 3976, 3977. 4062-4067——Evils resulting from the practice of sub-letting land where leases are granted of large tracts of land, 3978-3982——Evidence as to the kindness and correctness of Mr. Mauleverer's conduct, 3983-3993——Evidence showing that at the time of the murder of Mr. Powell, the agent to Mr. Quinn, Mr. Quinn was taking steps not only to improve the condition of the estate, but also the condition of the tenantry, 3994-4006.

It would be very desirable that the farms, generally, should be enlarged, 4007-4013——The system of middlemen operates injuriously, and should be done away with, 4014, 4015——Witness has heard that before the attack on Mr. Chambre he had served many ejectments, 4026-4030——How far the Roman-catholic clergy have taken steps to put down illegal societies, 4035-4049——Wherever the Ribbon Society exists it is the duty of the Executive Government to use all the means within their power for the purpose of putting it down; all secret societies are injurious to the prosperity of the country, 4050-4057.

Opinion that emigration is facilitating the settlement of the land question by diminishing the population, 4075——Opinion that the cottier tenants, as they are called, would be better off as labourers receiving money wages, 4076——It is the general custom of the landlords, in witness's district, to raise the rents; some farms remain unoccupied in consequence of the rents being too high, 4077-4138——The landlords might probably be inclined to let them

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them at a lower rent than is demanded, but there is an indisposition, on the part of tenants, to come forward to take them from a fear of intimidation from the parties who have been evicted, 4138–4146.

It is witness's impression that in most of the cases of outrage the victims have been guilty, more or less, of harsh treatment towards their tenants, 4147–4153 —— Opinion that the operations of the Tenant League do not instigate to the commission of crimes in the North of Ireland, 4154–4168 ——Approval of Mr. Sharman Crawford's Bill; the most bungling measure would be better than the present state of things, 4169–4174.

[Third Examination.]—Explanation relative to witness's having taken the chair at a public dinner at Crossmaglen, and his having spoken in favour of a newspaper called the "Dundalk Democrat," 5493–5507. 5589–5656 ——Witness is of opinion that the writings in this paper are not calculated to encourage assassination, although witness has seen the "Dundalk Democrat" styled the "Murder Press" in the Dublin papers, 5500–5516. 5589–5656——Witness does not recollect his curate, Mr. Campbell, having stated in the presence of Mr. O'Callaghan and witness, that he (Mr. Campbell) "would not, as a clergyman, administer sacraments to a man in the extremity of death who he conceived let his land too dear," as has been stated by by Mr. O'Callaghan, 5517–5544——(*Mr. O'Callaghan.*)—Further assertion that this conversation did occur, 5545.

(*Mr. Lennon.*)—Evidence relative to the reductions of rent which have taken place on the estates of Mr. Jordan and of Mr. O'Callaghan, 5546–5564. 5567——Ejectments have been lately served on Mr. Jordan's property for non-payment of rent, 5565, 5566——Although the following extract was taken from the "Dundalk Democrat" of 3d August 1850, "We have been in the last week on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with very good effects in the neighbourhood of Crossmaghan," witness would still say that the spirit of this paper is mild, and the drift of it is peaceful, 5568–5656 ——The "Dundalk Democrat" gives expression to the opinions of the Tenant League, 5573. 5621–5627——It advocates the extinction of landlordism by constitutional means, in witness's opinion, 5589–5627.

Lennon, Mr. Witness does not concur in the evidence of Mr. Lennon that there are but few Ribbonmen in his neighbourhood, *O'Callaghan* 5059–5061.

See also *Creggan Parish.*

Letters. Opinion that letters passing through the different post-offices are tampered with through the agency of the Ribbon Society, *Warburton* 225, 226.

Lieutenants of Counties. Power of lieutenants of counties in Ireland to nominate magistates, and indirectly, of removing them, *Major* 2429 —— Frequency of the lieutenants of counties being absentees, their duties being performed by resident deputies, *ib.* 2429, 2430.

Limerick. Remarks relative to the outrages committed in Limerick; appointment of a commission who finally put a stop to the outrages, there were so many

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many convictions, *Fitzmaurice* 448–458——The same mode of proceeding would not answer for the North of Ireland, *ib.* 454. 459——Return of agrarian outrages in the county of Limerick in 1844, 1845, and in 1850, 1851, *App.* 602, 603.

See also *Agrarian Outrages.* *North of Ireland.*

Linen Manufacture. Large number of persons employed by witness and his sons in the manufacture and bleaching of linen, *Kirk* 4348–4356.

Liverpool. See *Manchester.*

Local Magistrates. Opinion that local magistrates are subject to more peril than paid or stipendiary magistrates, *Warburton* 71–77——The local magistrates who interfere actively expose their lives to peril, *Fitzmaurice* 291——The local magistrates give very useful assistance in investigating cases; but the whole of the case depends entirely on the tact, capacity, and judgment of the stipendiary magistrate, *Brownrigg* 1965–1967.

Lord Lieutenant of Ireland. Observations as to the power of the Lord Lieutenant to proclaim districts, and send an additional police force, the expense thereof to be borne by the district, *Major* 2426–2428.

See also *Proclaimed Districts.*

Louth. Witness has never discovered any atrocities practised, on the part of the gentry in the county of Louth, but quite the contrary, and yet Ribbonism exists over the whole county; this remark also applies to the county of Monaghan, *Hamilton* 1609–1613——There has been no capital conviction for any agrarian outrage in the county of Louth during the last eleven years, *Brabazon* 4258–4265——From this cause there has been no case of a juror having suffered personal violence, but witness has known them applauded for giving verdicts of acquittal, *ib.* 4262–4266——Return of agrarian outrages in the county of Louth in 1844, 1845, and in 1850 and 1851, *App.* 596, 597——Statement of agrarian outrages in the first three months of 1852, *ib.* 597.

See also *Agrarian Outrages.* *Ejectments.* *Improvements*, 1. *Juries and Jurors*, 2. *North of Ireland.* *Police.*

Lower Orders. See *Evidence.* *Intimidation*, 1. *Sympathy of the People.* *Treatment of the People.*

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Macintaggart. Particulars relative to the murder of Macintaggart, a Roman-catholic, for infringing the Ribbon code, *Fitzmaurice* 498–512.

M'Meel, Rev. *James.* (Analysis of his Evidence.)—Roman-catholic clergyman at Castle Blayney, 2656–2659——Reward offered for the apprehension of the murderers of Mr. Bateson; subscription entered into for the purpose of increasing the amount, 2660–2663——Subscription entered into for the purpose of defending the prisoners, inasmuch as their application to the Crown for legal

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legal advice was refused, 2664-2672. 2801-2813. 2874-2877. 3092-3094——The bishops of the Roman-catholic church have on every occasion taken steps to discountenance and discourage illegal societies, by pastorals and otherwise, 2672-2680. 2889-2892——The Ribbon Society was simply got up as a mutual society, for the support and defence of each other in antagonism to Orangeism, 2681-2683. 2833, 2834. 3070-3072. 3084-3088. 3174.

High rents of land in Castle Blayney; a reduction of rent is absolutely necessary, 2684-2744. 2926-2929. 2962-2966——Great hardships which have attended the ejectment of tenants in many cases, 2684-2732. 2897-2906. 2973-3046——Witness attributes the commission of crime to the high rents and the evictions which have taken place in consequence of the parties being unable to pay, 2684-2698——It is the general feeling that there should be some tribunal established which would devise a mode of fixing an equitable rent for the land, either to change every two or three years, or to fluctuate according to the price of agricultural produce, 2739. 2943-2945——The demand for farms, and the high rents, result from the land being in the hands of large proprietors, 2745-2755.

Dissatisfaction created among the tenantry by the present laws with respect to improvements; the tenants do not like to make improvements, from the uncertainty of their tenure, 2756-2789——Payment of the county-cess by Lord Templeton, provided the rent is paid on a certain day by the tenant, otherwise no allowance is made for the county-cess, 2790——Witness has known instances of large numbers of notices to quit being served so as to place the landlord in a position to proceed to ejectment in the event of the rent not being paid when due, 2791-2794. 2907. 2910——Tenant-right prevails in the district of Castle Blayney, 2795, 2796. 2914-2919. 3107, 3108.

In the event of evictions parties are not prevented from taking the farms for fear of injury; the high rents prevent the farms being re-occupied, 2797-2800. 3096-3106——The Ribbon Society is composed exclusively of Roman-catholics, 2814, 2815——Witness does not believe that the Ribbon Society is in any way connected with the murders and outrages committed, 2816-2820. 3089—— How far there exists any feeling of toleration and palliation in favour of the perpetrators of crime, 2821-2828——The formation and maintenance of Orange societies in the North of Ireland has been productive of results very much opposed to the peace of the country, and to the social harmony of the districts, 2834, 2835.

It is a notorious matter that the greater number of the grand jurors of Monaghan were initiated into Orangeism a year ago, at the time of the assizes, 2836-2838. 3073-3083——The condition of the tenants in the parish of Castle Blayney has very much deteriorated within the last ten or fifteen years, 2841——It would tend very much to the improvement of land if an Act were passed containing some simple clauses, giving tenants compensation for improvements effected by them, 2842. 2915-2929——Emigration going on from Castle Blayney, 2843-2867——Harmony existing between the Protestants and Roman-catholics in Castle Blayney, 2868-2873——With regard to ejectments and the treatment of tenants, the landlords do not take any notice of difference of creed, 2880-2885.

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It is not true that persons intending to commit crimes go and state their intention to a priest, and get absolution for a crime which is afterwards to be committed, 2886-2888——Pastoral addresses of Dr. Cullen to the clergy of the diocese of Armagh, discountenancing and discouraging secret societies, 2893-2896——There are no leases on Lord Templeton's property; there are some leases on Lord Blaney's property; the farms held on lease are in a better condition than those held at will, 2911-2913——Practice of the landlords to get as much rent as possible, giving a little back, when it cannot be obtained, as a reduction, 2930-2933——The exaggerated rents demanded arises from the fierce competition for land, 2934-2940. 2956-2961.

The facility of emigration to America is tending very much to reduce the price of land, 2941, 2942——The first step towards improving the situation of tenants would be a reduction of rents, 2946——Amount of the poor-rate in Castle Blayney; decrease in the amount, and causes to which attributable, 2947-2952——There is but little land underlet in Castle Blayney; quality of the land, 2953-2955——The landlord generally takes the highest rent that is offered for the farms, provided he has no objection to the tenant, 2956-2961 Agricultural produce has very much diminished in value of late years, owing to the failure of the potato crop and free trade, 2962-2966. 3109-3125.

Great number of ejectments brought by Mr. Bateson over the estate to which he was agent, 2967-2972——Harsh character of Mr. Bateson, 3047-3064——On the murder of Mr. Bateson witness reprobated the doctrine of sympathy prevailing amongst the people for the perpetrators of the crime, 3065-3069——Some of the agrarian outrages have resulted from the high letting of land, 3090, 3091. 3174, 3175——There is no tax levied on the Roman-catholics for the support of the clergy, 3126-3129——Great number of evictions which have taken place in Farney; deserted state of the barony, 3130-3133——General good character of the publicans in Castle Blayney; there are very few unlicensed spirit-houses in the parish, 3134-3136.

The parties connected with Ribbonism do not frequent chapel, or attend any other religious duty; they are bad characters of the lower orders, 3137-3140——Attempt made to propagate Ribbonism in Castle Blayney at the time of the construction of the railway; exertions of witness against the movement, and decrease of Ribbonism since that period, 3141-3144. 3173——Ribbonism does not exercise any intimidation over the lower orders in Castle Blayney district, 3149——Witness never knew of assistance being withheld in the event of any outrage being committed, 3150-3153——Ribbonism does not exist in Castle Blayney, 3154-3161. 3180-3183——The existence of Ribbonism is utterly inconsistent with the prosperity of the country; where it prevails it should be put down, 3159-3164.

Refusal of the sacraments of the Church to all parties connected with secret societies, 3164-3172——The object of Ribbonism is not to reduce the rents; they were merely formed owing to the rise of Orangeism, 3174-3176——Witness would say that his curate did not subscribe to the fund for the defence of the parties accused of the murder of Mr. Bateson; no Roman-catholic priest would have subscribed, 3184——The strong feeling upon the land question is not confined to any sect or creed; they all feel the badness of the times, 3185, 3186.

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Magistrates. In all cases of homicide or other serious outrages it is most desirable that the magistrate should visit the scene of outrage, and minutely inspect the ground, and examine any person on the spot as soon as possible, *Brownrigg* 1951–1953——Opinion that the magistrates should be included in the jury lists, the prisoners having the right of challenge; the magistrates would be very competent persons to try nisi prius cases, *Major* 2387–2392.

See also *Armagh. Informations. Lieutenants of Counties. Local Magistrates. Monaghan. Stipendiary Magistrates.*

Major, James. (Analysis of his Evidence.)—Assistant barrister for the county of Monaghan, also chairman of quarter sessions, 2252–2255——The main statute for regulating the formation of juries in Ireland is 3 & 4 Will. 4, c. 91, commonly called Judge Perrin's Act; mode of proceeding under that Act, 2257, 2258——The jury books are professed to be made up in accordance with that Act, but they cannot be made up according to the provisions of the Act, 2258–2263——Qualifications necessary for jurymen, 2258–2261. 2263. 2346. 2399——The present mode is a most improper and unsatisfactory mode of striking the jurors, or of creating a panel, 2259–2261.

Power of the grand jury to stop the salary of the cess collector in the event of his not satisfactorily performing his duty; frequent complaints of the cess collectors omitting persons' names from the jury lists, 2260–2263——Advantage of the legal member of the court of quarter sessions being the chairman, 2261, 2262——Annual appointment of the barony collectors; they may be appointed at each assize, 2265——It is absolutely necessary, in the forming of the jury lists, to have persons of intelligence in the county brought as much as possible to take their fair share in the administration of justice, 2266——Recommendation that the English plan of qualification for jurors by rating be adopted in Ireland; the qualification should be fixed at a 20*l.* or 30*l.* rating to the poor, 2267–2281. 2353–2360. 2400–2403. 2489–2494.

Objection of the better class of jurors to being summoned on the petty jury in the Crown Court for the trial of criminal cases, 2282——Great difference in the class of jurors who attend the civil side of the court and those who attend on the criminal side at assizes, 2283, 2284——Great advantage would result from there being but one jury panel for both civil and criminal cases, 2284–2298. 2341——Opinion in favour of removing the trial of cases of agrarian outrage out of the county in which committed, 2299–2319. 2372–2374——Attempts made by the sheriff's bailiff to levy money on the class of persons liable to serve upon juries, but unwilling to do so, 2320.

Objectionable nature of the practice of the sheriff giving out blank summonses for jurors, to be filled up by the common bailiff; they should be filled up in every case by the sub-sheriff, 2320–2324. 2326——The service of the summons should remain as at present; as the law gives the power to fine for non-attendance, the service should be distinctly proved, 2325——It is very desirable that the offices of clerk of the Crown and the clerk of the peace should be filled by one person, 2327–2340——Manner in which the special juries should be selected and summoned; they should be excluded from the common cases, 2341–2344——Witness objects to the present jury system in Ireland, because it is cumbrous and in very many instances abortive, 2345–2350.

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Witness does not consider that the cess collectors are persons to be entrusted with the important duty of striking the jurors, 2351, 2352. 2398, 2399 ——Amiable and respectable character of Mr. Bateson, 2361–2368. 2444. 2449——The jurors for criminal cases ought to be made as respectable as civil jurors, 2375——How far any advantage would result from the selection of two gentlemen of the bar to attend exclusively to the conduct of Crown prosecutions, 2376–2379——Qualifications for common juries; suggested alterations therein, 2380–2386——The magistrates should be included in the jury lists, the prisoners having the right of challenge; they would be very competent persons to try nisi prius cases, 2387–2392——The power of changing the venue should be placed in the hands of the Attorney-general, 2393–2397.

Statement as to what witness considers a sufficient number of jurors for a county, having the same panel for both courts, 2404–2409——Remarks relative to the fiscal management of the county, 2410–2421——It would be a great improvement in the administration of the criminal law, as well as the fiscal business of the county, if there was a necessary qualification for the grand jury, 2410–2415——The great difficulty of obtaining convictions of persons whom all the world know to be guilty, arises from the intimidation of witnesses, 2422–2425——Power of the Lord Lieutenant to proclaim districts and send an additional police force, the expense thereof to be borne by the district, 2426–2428.

Power of the lieutenants of counties in Ireland to nominate magistrates, and indirectly of removing them, 2429——Frequency of the lieutenants of counties being absentees, their duties being performed by resident deputies, 2429, 2430——Alarming state of the county at the present time from Ribbonism; every means that the Government possess have been had recourse to for the purpose of repressing crime, 2431, 2432——Numerous complaints of the people which have led to the present state of things in Ireland; complaints that rents are too high, and that the people are not properly treated, 2433–2438——Difference in the treatment of the lower orders by the higher classes in England to their general treatment in Ireland, 2439–2442.

The courts in Ireland are open to every person in the community for redress, 2443, 2444——Particulars relative to the murder of Mr. Bateson, 2444–2451——Decrease in the number of criminal cases in Monaghan since 1836, with the exception of agrarian outrages; this species of crime has increased, 2452–2460——Increase in the number of cases of ejectment in the county since 1846; 2461, 2462. 2467–2469——The cases of civil bills are very numerous in the county; they have very much diminished since 1846; 2463–2466——The principal number of ejectments in the county were upon the estates in the barony of Farley, belonging to Lord Bath and Mr. Shirley; in those baronies more outrages have occurred than have occurred in other districts, 2469–2475.

Offer made by Lord Bath to all his tenants in arrear of a free passage to America, and a sum of money on their arrival, in order to have possession quietly, 2475–2481. 2487——In consequence of that offer not being fully accepted, a great number of cases of ejectment occurred, 2476–2478. 2487

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——Under the existing law, upon a civil bill for rent, the landlord cannot seize growing crops; an execution creditor has an advantage over the landlord, as he sells them on the ground, 2482-2486——The other districts in the county of Monaghan, besides those which have been proclaimed, are perfectly quiet, 2488—— With regard to the barony collectors, witness would dispense with their services in the selection of jurors, 2495-2497——In the striking of juries, no distinction should be made between civil and criminal cases; witness would suggest the ballot for both, 2498-2502.

Witness would leave the right of challenge to the prisoner, and the right of objection to the Crown, 2500——Witness would not suggest any alteration in the law with respect to the licensing of publicans, and the regulation of public-houses, 2503-2509——Advantages to prisoners of the right of challenging jurors; how far the jurors being drawn on the ballot in criminal cases would interfere with this right, 2510-2516——Unsatisfactory mode of conducting coroners' inquests, 2517-2522——Witness is in favour of a change of venue, under certain restraints, in cases of agrarian outrage, 2523-2533.

[Second Examination.]—Duties of the cess collectors or baronial constables with regard to the selection of jurors, also in connexion with the county, 2534-2539. 2544-2550——Nature and importance of the duties of the grand jury in Ireland, 2540-2543—Unsatisfactory manner in which the duties of the cess collector in the selection of jurors is performed, 2547, 2548——Provision made in the Jury Act for the posting of lists of jurors on the doors of places of worship, 2551-2555——Suggestion for taking the revised list of voters for the purpose of forming the jury list, 2556, 2557——Witness would have no qualification for jurors but the rating qualification, 2557-2583.

Frequency of jurors being summoned session after session to serve; necessity for some means being devised for remedying this evil, 2583-2586——No possible advantage can result from blank summonses for juries being issued, whereas great disadvantages do arise from the practice, 2587-2589——Alterations in the law which witness thinks desirable with regard to the change of venue, 2590-2595, 2631-2635——Power of the Lord Lieutenant to proclaim districts; result of such proclamation; witness considers the law is perfectly abortive; no good is effected, 2596-2598——In cases where necessity existed, witness would give an extended power of domiciliary visits, 2600-2629. 2653-2655——Observations on the expired Act called in Ireland the Insurrection Act; great and extraordinary powers of the Act; witness would not be disposed to suggest a re-enactment of that Act, 2600-2605.

The Government should be armed with some powers with which they could promptly and immediately meet a state of circumstances such as at present exists in Monaghan, but witness is not prepared to state what these powers should be, 2600. 2617-2621——Advantages likely to result from the alterations suggested in the jury list, and by having but one panel, 2603-2607——In many cases crime is induced by a species of confidence in the present constitution of the jury list, and a species of immunity from conviction, 2605, 2606. 2626-2629——Recommendation that the clause of the Act relating to secret signs and pass-words, and Ribbon documents, be re-enacted, 2609-2616——The law should not be one of punishment alone, but one of protection and

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and prevention; large numbers of the lower classes who are so circumstanced that it would be very difficult for them to resist the intimidation system, 2621–2625.

Witness would take from the Insurrection Act certain provisions, to be applied under peculiar circumstances, 2630——Great indisposition on the part of persons to come forward and give evidence on the part of the prosecution from fear of the consequences, 2636–2638——There should be some provision making it an offence to witness a murder committed, and not come forward and give evidence, 2639——The rents in the county of Monaghan are very high, 2640–2652.

[Third Examination.]—Way in which the account of the number of persons served with ejectments in the county of Monaghan, during the last five or six years, and the number of ejectments, may be arrived at, 3187-3192. 3197–3200——Witness is not aware that in cases where the ejectments have been withdrawn the agent or bailiff has exacted the costs, the same as if the proceedings had gone on, 3193-3196.

Manchester. Witness has reason to believe that branches of the Ribbon confederacy exist to a great extent in Manchester and Liverpool, *Warburton* 97. 126–128. 158–164.——*See* also *Ribbonism*, 1.

Manufactures. Opinion that if manufacturing industry could be introduced into the country there would be an absence of crime, and proprietors might reside in the country in security, which they cannot do now, *Lennon* 3823–3854.

See also *Linen Manufacture.*

Markets. See *Fairs and Markets.*

Marriages. Witness believes that marriages have been enforced and prevented through the Ribbon tribunal, *Fitzmaurice* 550. 607–609.

Martial Law. Nothing short of martial law, in the first instance, will put down the Ribbon Society in witness's district, *O'Callaghan* 5186–5201. 5459–5462.

Mauleverer, Mr. In the cases of Mr. Mauleverer and Mr. Bateson, witness could never find anything in their dealings, as between landlord and tenant, that was the immediate cause of the murders, *Golding* 776–780——Evidence relative to the murder of Mr. Mauleverer, and the trial and acquittal of Hanratty; great difficulty of getting persons to swear to the identity of the prisoner, *Lennon* 3792–3818——Evidence as to the kindness and correctness of Mr. Mauleverer's conduct, *ib.* 3983–3993.

See also *Evictions. Murders. Powell*, Mr.

Middlemen. The system of middlemen operates injuriously, and should be done away with, *Lennon* 4014, 4015——Agrarian outrages are attributable chiefly to the middlemen, *Sir M. Barrington* 4818, 4819.

See also *Rents*, 2. *Sub-letting of Land.*

Military. There is no occasion for the military force to protect the landowners; the present police force is sufficient to protect them in those counties under consideration, *Fitzmaurice* 401–407.——*See* also *Police.*

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Monaghan. Such is the present unsafe state of Monaghan that witness would not leave his house at night on any consideration, *Golding* 774, 775. 857–859 ——There are several encumbered estates in Monaghan; one only of any consideration is in the Encumbered Estates Court, *ib.* 1073–1076 —— Remarks relative to the fiscal management of the county; it is not exclusively in the hands of the magistrates, *Major* 2410–2421——Alarming state of the country at present from Ribbonism; every means that the Government possess have been had recourse to for the purpose of repressing crime, *ib.* 2431, 2432 ——General decrease in the number of criminal cases in Monaghan since 1836, with the exception of agrarian outrages; this species of crime has increased, *ib.* 2452–2460——Those districts in Monaghan which have not been proclaimed are perfectly quiet, *ib.* 2488——Return of agrarian outrages in the county of Monaghan in 1844, 1845, and in 1850, 1851, *App.* 604, 605 ——Statement of agrarian outrages in the first three months of 1852, *ib.* 605.

See also *Agrarian Outrages. Civil Bill Process. Condition of the People. Ejectments. Louth. North of Ireland. Orange Lodges*, 2. *Police. Rents*, 1.

Munster. Witness never had a case of Ribbonism on the Munster Circuit, *Sir M. Barrington* 4967–4969——*See* also *South of Ireland.*

Murders. In the course of witness's experience he has usually found that the parties who have been made the victims have been remarkable for the benevolence of their characters; instances of Mr. Eastwood and Mr. Bateson; process by which a man would be sentenced to death, and way in which the sentence would be carried out, *Hamilton* 1491–1496——These murders are frequently committed in broad daylight; latterly, almost invariably, *ib.* 1497 ——This arises from a conviction on the part of the murderers of having the sympathy of the district with them, and the knowledge that nobody dare inform against them, *ib.* 1498–1501——Demoralizing effect on the minds of the people from witnessing these murders; great recklessness of human life, *ib.* 1645–1650——Detail of various particulars connected with the murders of Mr. Powell, Mr. Mauleverer, the two brothers Clarke, and Mr. Bateson, showing that the impression of the people is that they will gain either greater security in their holdings or reductions of rent in consequence of these crimes, *Lennon* 3364–3438——Parties have stated on the trials for agrarian outrages, that they have been ordered by the Ribbon Society to commit the murder without having any cause of enmity, *Kirk* 4746–4750——When once a disturbance arises in the country, no matter what may be the cause of the animosity, people are employed to commit outrage on the person to whom there is hostility, *Sir M. Barrington* 4807. 4810–4812. 4912, 4913.

See also *Absolution. Bateson*, Mr. *Chambre*, Mr. *Clarke*, Messrs. *Coroners' Inquests. Creggan Parish. Crossmaglen. Eastwood*, Mr. *Evidence. Intimidation*, 2. *Mauleverer*, Mr. *Powell*, Mr. *Ribbonism*, 1. *Roe*, Mr. *Threatening Notices.*

N.

Newspapers. Witness has never furnished a copy of his evidence given on a former occasion, or of the document which he delivered in, to any newspaper, nor

Report, 1852—*continued.*

Newspapers—continued.

nor to any person, save the present and late Government and the Committee; witness has merely mentioned the nature of his suggestions to Mr. Fitzmaurice and to some officers of the constabulary force in general conversation, *Brownrigg* 1442–1467.

See also *"Dundalk Democrat" Newspaper.*

Newtownhamilton. High rents demanded in Newtownhamilton; the reduction which has taken place is not equally to the fall in the prices of agricultural produce; the payment of high rents since 1846 has conduced very much to the distress of the farmer, *Brown* 5768–5790.——*See* also *Leases.*

North of Ireland. The combination that exists in the North of Ireland differs very little from that which formerly existed in Limerick and the South of Ireland; it is more systematically carried on, *Fitzmaurice* 533–538——The outrages are confined to a small and wild part of the three counties of Armagh, Louth, and Monaghan; the district has always been remarkable as being the stronghold of Ribbonism, *ib.* 539–543.

See also *Limerick.* *Orange Lodges*, 1. 2. *Reduction of Rents.*

Notices to Quit. Witness has known instances of large numbers of notices to quit being served so as to place the landlord in a position to proceed to ejectment in the event of the rent not being paid when due, *M'Meel* 2791–2794. 2907. 2910.

O.

Oaths. See *Perjury.*

O'Callaghan, James. (Analysis of his Evidence.)—Justice of the peace for the county of Louth, and also for the county of Armagh; has property in both these counties, adjoining Crossmaglen, 4980–4982——Is a Roman-catholic; opportunities witness has had of becoming well acquainted with the state of the district, 4983–4987. 4990, 4991——The present condition of the district is very unsatisfactory, and the state of the peasantry is lawless, 4988, 4989——Witness is the owner of the property on which two persons of the name of Clarke were murdered a few years ago; they were placed over the property by witness as caretakers, 4992–4994——The former tenants were dispossessed in respect of arrears of rent by a receiver under the Court of Chancery, 4995.

The rents of the property in the district, where the parties held immediately under the head landlord, were not extravagant; in some cases the rents were high where they held under middlemen, 4996–5001——All the improvements on witness's property in Louth were made by his brother and by himself; the tenants were employed in the labour, and paid the highest rate of money wages, 5002–5004——The rents have now been reduced to a mere nominal rent, but this has been of no service, as they did not pay before, nor do they pay now; large arrears of rent, 5005–5012——Witness attributes this state of things to a determination or an expectation on the part of the people that they are to get the land ultimately for nothing, 5013–5019.

Report, 1852—*continued.*

O'Callaghan, James. (Analysis of his Evidence)—*continued.*

The Ribbon confederacy exists to a great extent, and has contributed to cause this feeling in the minds of the people, 5014, 5015——They intimidate any one from meddling with land which they choose to forbid being taken, 5016——There is no Orange association, nor was there ever one in the neighbourhood, 5017-5019——Witness, as a magistrate, has had many cases connected with Ribbon confederacy brought under his notice, 5020——It exercises a great intimidation over the minds of the people, and obstructs the general course of justice; case illustrating this assertion, 5021-5029.

Great disposition evinced in the neighbourhood of Crossmaglen to subdivide and sublet the land; this is very injurious to the prosperity of the country, 5030-5033. 5044 *et seq.*——The rents as at present reduced are as reasonable as they can possibly be made, 5034-5043——It is absolutely necessary in the present state of things to have the farms enlarged and cultivated with more skill and capital, 5044-5048——Impossibility of having improvements made without interfering more or less with the possession of the small occupiers; they make no improvements, and the cottages they run up are mere pigsties, 5049-5053.

Further evidence relative to the murder of the two brothers Clarke, 5054, 5055——The existing system exercises much intimidation over the jurors; the prisoners do not fear trial by jury at all, 5055-5058——Witness does not concur in the evidence of Mr. Lennon that there are a few Ribbonmen in the neighbourhood of Crossmaglen, 5059-5061——The operations of the Tenant League have excited the minds of the people very much; they have increased the opposition to the payment of rent, 5063-5068——Publications are circulated which tend to promote these outrages; reference to the "Dundalk Democrat," the most violent of these publications, 5069-5071.

Size of witness's properties in the counties of Louth and Armagh; circumstances under which they have been put under the care of the Court of Chancery; a receiver has been placed over them; evidence showing that while they were under witness's management the tenants were respectable and paid their rents tolerably well; this has not been the case since they have been under the Court of Chancery; reduction of the rents made under the orders of the Court; evictions have been made under the orders of the Court, 5072-5161. 5241-5247. 5254-5260——Witness does not know any estates in the neighbourhood where the rents are well and punctually paid, 5162——The potato failure has made it more difficult for the tenants to pay their rents, 5162-5166.

Witness has never dispossessed any one, but he sets his face against any further subdivision; general size of the holdings, 5166, 5167——The tenants on Mr. Jordan's estate have paid no rents; evictions have taken place on the estate, 5167-5169——The only way to improve the condition of the district would be, first to put down Ribbonism; it is more systematic now than formerly, and is spreading every day; statement of the proceedings of the society as regards beatings and murders, 5170-5185——Nothing short of martial law will put it down in the first instance, 5186-5201——None but Roman-catholics are admitted into the Ribbon Society, 5202-5206—— Witness equally condemns the existence of the Orange Society, 5207-5209.

Further

Report, 1852—*continued.*

O'Callaghan, James. (Analysis of his Evidence)—*continued.*

Further evidence as to the subdivision and sub-letting on witness's estate; bad state of the cultivation, and miserable state of the cabins built on the holdings; amount of rent paid to the middlemen; rent paid by the middlemen for the land, 5210–5228. 5230–5233——Even supposing a law to be passed which should make these parties the owners of the property out and out, they are not in a condition to improve the land, and better themselves in their position, 5229——The people are entirely dependent on what they earn as day labourers; rate of wages, 5234–5237——Emigration has not gone on to the extent of making labour scarce, 5238–5240.

Opinion that all the people could seed their land if they chose to do so, though witness has heard of their applying to the agents and other parties to do it, 5248–5253——Opinion that the honest and industrious could pay the reduced rent if they chose; but they look to hold the land for nothing, 5254–5262——The existing state of demoralization is much caused by the working of the secret societies, and by the Tenant League; the "Dundalk Democrat" keeps the country in a blaze, 5262–5266——Case of this paper having been recommended to the confidence of the people by the Rev. Mr. Lennan on the occasion of his acting as chairman at a dinner given to Mr. Jordan; extract from this paper on the subject of the murder of Mr. Mauleverer, 5267–5276. 5279–5283.

[Second Examination.]—Evidence as to Mr. Gun Brown being present at the dinner given to Mr. Jordan, 5284–5289——Further evidence as to the intimidation exercised over the minds of jurors; some of them have sympathising feelings with the prisoners, 5290–5295. 5298, 5299——Criminal justice is properly administered on the part of the judges, 5291–5294——Changing the venue would be very desirable, 5296–5299——Making a more substantial class of persons perform the duties of jurors, would also be a very great improvement, 5297–5299. 5309, 5310——The law with regard to the possession of pass-words should be restored, 5300–5303. 5306–5308——Amendment required in the law relating to public-houses; the meetings of the secret societies are held principally in these houses, 5304, 5305.

Witness has frequently read articles in the "Dundalk Democrat" advocating the extinction of landlordism; this paper does not attach any other meaning to "tenant league" and "tenant right" than confiscation and communism, 5311–5316——Witness has seen a letter in this newspaper bearing upon land, signed by the Rev. Mr. Lennon, 5317–5320——The parish of Mr. Lennon is the parish of Creggan; it includes Crossmaglen, 5321–5323——A great number of crimes, and some of the worst crimes, have been committed in this parish; reference to the assault on Mr. Eastwood, the murder of Mr. Powell, and the threats exercised towards Mr. John J. Bigger, by which he has been compelled to leave the parish, 5324–5359. 5420.

The happiness of life is disturbed and interrupted by this system of terror and intimidation being exercised over the owners of property; this will continue till this conspiracy is put down; it is spreading rapidly every day, 5360–5362. 5379, 5380——Evidence relative to Mr. Fortescue, the present Lord Charlemont, one of the most fair and just landlords in the county, having been threatened and being obliged to retire from the country, 5363–5376. 5463–5480——

Report, 1852—*continued.*

O'Callaghan, James. (Analysis of his Evidence)—*continued.*

5480——Opinion that this system of terror and intimidation is acted upon to expel the proprietors from their estates, 5377, 5378——Evidence as to the connexion of Mr. Lennon and his two curates, Mr. Campbell and Mr. Loy, with the Tenant League; witness believes they all three sympathise with the workings of the Ribbon Society, though they may not be actually members of it, 5381–5395. 5404–5419.

Reference to a statement made by Mr. Campbell, in Mr. Lennon's house and in the presence of Mr. Lennon and witness, that he (Mr. Campbell) "would not, as a clergyman, administer sacraments to a man in the extremity of death who he conceived let his land too dear," 5395–5403. 5448, 5449 ——There can be no peace in the country till this system is extinguished; it greatly affects the value of landed property, 5421, 5422——Witness has heard and believes that shortly before Mr. Coulter was killed he received a letter of a threatening nature from Mr. Campbell, 5422–5430——Witness attributes the encouragement of the Ribbon system to the public-houses; suggestions for removing the opportunity of making these houses the places of resort for Ribbonmen, 5442–5458.

Further expression of the opinion that martial law is the only thing that will put a stop to these proceedings, 5459-5462 ——The people are not so badly off in the neighbourhood of Dundalk as they used to be; the poor-rate is less than it was, 5481, 5482——If a juror had a sympathy for Ribbonism he would not find a verdict, on the clearest evidence, against the accused, 5483——Ribbonmen as witnesses on trials do not regard oaths at all, 5484, 5485. 5492——Witness is not aware that there is any Orange association in his part of the country, 5486–5491.——*See* also *Lennon,* Rev. *Michael.*

Occupation of Land. Opinion that the land question is at the root of the existing evils; forfeited estates are also much looked to, *Warburton* 132–136 ——The Ribbon Society has at all times interfered more or less in the management, tenure, and occupation of land, *Fitzmaurice* 544–551 —— The outrages committed have generally a good deal to do with the occupation of land, but not solely, *Golding* 1232, 1233.

See also *Competition. "Dundalk Democrat" Newspaper. Free Trade. Landlord and Tenant. Ribbonism,* 1. *Tenure of Land.*

Occupiers. The sums expended in roads, bridges, and public works are obtained by taxation from the occupiers; the landlords do not contribute for these purposes, *Kirk* 4506–4509.——*See* also *Tenants.*

Oppression. Witness is not aware of any acts of oppression or cruelty on the part of the great proprietors in Louth, Armagh, or Monaghan, but the contrary, *Brownrigg* 2156–2165——Numerous complaints of the people which have led to the present state of things in Ireland, complaints that rents are too high, and that the people are not properly treated, *Major* 2433–2438.

See also *Landlords. Louth. Treatment of the People.*

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ORANGE LODGES:

1. *Evidence as to the existence of Orange Societies in Ireland.*
2. *Opinion that the Ribbon Society was formed as a Defence against Orangeism.*
3. *Opinion that the Orange Lodges had nothing whatever to do with the formation of the Ribbon Society.*

1. *Evidence as to the existence of Orange Societies in Ireland:*

Remarks relative to the existence of Orange societies in Ireland, *Fitzmaurice* 610-613——Witness has had no information that there has been a revival of the Orange societies in the North of Ireland, *Brownrigg*, 1397-1399. 1402-1418. 1436, 1437——There is no Orange association nor was there ever one in witness's neighbourhood, *O'Callaghan* 5017-5019. 5486-5491——Witness condemns the existence of the Orange Society, *ib.* 5207-5209.

2. *Opinion that the Ribbon Society was formed as a Defence against Orangeism:*

The Ribbon Society was simply got up as a mutual society, for the support and defence of each other in antagonism to Orangeism, *M'Meel* 2681. 2683. 2833, 2834. 3070-3072. 3084-3088. 3174-3176; *Lennon* 3512-3517. 3648. 3665-3670. 3731-3745; *Kirk* 4379-4384. 4681——Witness does not believe that the Ribbon Society is in any way connected with the murders and outrages committed; it is simply a protective society against Orange aggression, *M'Meel* 2816-2820. 3089——The formation and maintenance of Orange societies in the North of Ireland has been productive of results very much opposed to the peace of the country, and to the social harmony of the district, *ib.* 2834, 2835——It is a notorious matter that the great number of the grand jurors of Monaghan were initiated into Orangeism a year ago at the time of the assizes, *ib.* 2836-2838. 3073-3083.

Opinion that the one is the effect of the other, and that whenever the one has abated the other has abated also; there was never so little secret combination as at the present time; great efforts made by the clergy to put it down, *Lennon* 3513. 3518-3525——Origination of the Orange Association in the county of Armagh about the beginning of the present century, *Kirk* 4377, 4378——Difference between the Orange Society and the Ribbon Society; members of the Ribbon Society have been convicted of many agrarian outrages, whereas members of the Orange Society have never been accused of such outrages, *ib.* 4682-4684. 4742-4745.

3. *Opinion that the Orange Lodges had nothing whatever to do with the formation of the Ribbon Society:*

Witness does not attribute the existence of the secret societies in the North of Ireland among the Roman-catholics to the existence of the Orange confederation, though this was formerly the opinion, *Brownrigg* 1419, 1420. 1439——It has been alleged that the existence of Orange lodges has been the cause of Ribbonism, but witness does not believe this to be the case, as Ribbonism exists in districts where there is hardly a Protestant; instance of

Report, 1852—*continued.*

Orange Lodges——continued.

3. *Opinions that the Orange Lodges had nothing whatever to do with the formation of the Ribbon Society*—continued.

of a place called Crossmaglen, *Hamilton* 1571-1577. 1824-1826——Witness never heard that Ribbonism originated from the Orange Society, and that the two societies were antagonistic, *Sir M. Barrington* 4972-4976.

See also *Party Processions.*

P.

Parliamentary Titles. See *Titles to Land.*

Party Processions. Opinion that neither the Ribbon system or the Orange system would have been in active operation had it not been for the unfortunate neglect of allowing the Processions Act to expire, *Kirk* 4385, 4386——The Legislature has dealt with party processions and Orangeism by positive law; the law has been pretty generally obeyed, *ib.* 4736-4741.

Pass Words:

1. *Difficulty in obtaining Evidence since the change in the Law.*
2. *Suggestions that the Law relating to the Possession of Pass-words and Documents should be restored.*

1. *Difficulty in obtaining Evidence since the change in the Law:*

Greater difficulty in getting evidence of the existence of a confedracy since the change in the law about the possession of pass-words, *Warburton* 54. 55. 95——The use of signs and pass-words is very general among the members of the Ribbon society; way in which they are settled and made known; difficulty in getting at these pass-words; way in which the pass-words for the month of March were got at, *Brownrigg* 1321-1340——Copy of the pass-words for March 1852, *Ev. p.* 187——Offers of rewards, whether to a small or large amount, seldom produce any effect, *Brownrigg* 1934-1938. 1945-1950——Importance of the police having every facility for the capture of persons in the possession of Ribbon documents; since the repeal of the law the police have frequently complained of the difficulties in the way of such captures, *Kirk* 4666-4668.

2. *Suggestions that the Law relating to the Possession of Pass-words and Documents should be restored:*

Resolution of the Committee that the Act 2 & 3 Vict. c. 74, as amended by the 11 & 12 Vict. c. 89, but without the amendment made by the Act 8 & 9 Vict. c. 55, be re-enacted so as to restore the clause repealed by the latter Act in 1845, *Rep.* iii——But so that it shall only apply to a case where any number of persons amounting to three or more shall meet and assemble together, and shall knowingly have in their possession any copy of any pass-word, or secret mode of communication, &c. made unlawful by the Act passed in the 4 Geo. 4, and shall not be able satisfactorily to account for the same, *ib.*—— Recommendation that the clause of the Act relating to secret signs and pass-words and Ribbon documents be re-enacted, *Warburton* 96; *Fitzmaurice* 319. 380-398. 429-433. 516-523. 620, 621; *Brownrigg* 1263-1268-

Report, 1852—*continued.*

PASS WORDS—continued.

2. *Suggestions that the Law relating to, &c.*—continued.

1268. 2207-2216——*Hamilton* 1549-1570. 1597, 1598. 1667. 1671-1675. 1760, 1761——*Major* 2609-2616——*O'Callaghan* 5300-5303. 5306-5308——If this were done it should be extended to England and Scotland, *Warburton* 96——The good that would result from it would be greater than any evil that could result, *Fitzmaurice* 398——The section of the Act relating to Ribbon pass-words and documents might be modified so as to be unobjectionable, *ib.* 631-633.

Perjury. The people do not consider it any crime to commit perjury in cases of agrarian outrage, *Warburton* 121-123——Witness has no hesitation in saying that in the event of the prosecution of Ribbonmen, their confederates would swear falsely to obtain their acquittal, *Fitzmaurice* 639-646——Ribbonmen as witnesses on trials do not regard oaths at all, *O'Callaghan,* 5484 5485. 5492.——*See* also *Confederacies.*

Petty Juries. Remedy suggested as to the constitution of petty juries; they should be composed of more intelligent and more independent men; sympathy of the jurors with the criminal, *Fitzmaurice* 305-307. 350-367. 459-464. 524-528. 652-655——For ordinary criminal charges the petty jury of Ireland as it now stands is sufficiently constituted; it is only when agrarian outrages are the subject of the charge that they do not perform their duty, *ib.* 650-655——Objection of the better class of jurors to being summoned on the petty jury in the Crown court for the trial of criminal cases, *Major* 2282.

See also *Qualification of Jurors.*

Petty Sessions. Generally speaking, justice at petty sessions is satisfactorily administered; it would perhaps be advisable to have a fixed rule defining cases which should be tried at petty sessions; but serious cases are seldom or never tried there, *Brownrigg* 1976-1989.

See also *Clerk of Petty Sessions.*

Police. Class of society from which the police are selected, *Fitzmaurice* 513-515——Districts in which it has been deemed advisable to increase the police force in consequence of the outrages during the past year; extent to which the force has been increased in Armagh, in Down, in Louth, and in Monaghan; way in which the expense of this additional force is borne, *Brownrigg,* 1355-1369——The means at present at the disposal of the Government, under the existing law, are not sufficient to stop these outrages, *ib.* 1377.

Objection to the large increase of police force sent into the district of Upper Fews, and the taxation consequent thereon; memorial presented to the late Lord Lieutenant on the subject, and result, *Lennon* 3458-3477. 3540-3550——Witness is not aware upon what information or on what grounds this additional police force was sent, as the district was as peaceable as any of the adjoining districts; a representation to this effect was made in the memorial presented to the Lord Lieutenant, *ib.* 3458-3477. 3540-3550——Levy of a rate for extra police in all proclaimed districts; it is advisable that that Act should be continued, *Kirk* 4657-4660——Objection to making the police force

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Police—continued.

force so altogether a military force; suggestion that policemen should be promoted for discovering crime, *Sir M. Barrington* 4864-4870.

See also *Armagh. Civil Bill Process. Constabulary. Detective Police. Domiciliary Visits. Military. Pass Words*, 1. *Stipendiary Magistrates.*

Poor Rate. Amount of the poor rate in Castle Blayney; decrease in the amount, and causes to which attributable, *M'Meel* 2947-2952.

Potato Cultivation. Remarks as to the cultivation of potatoes; previous to the introduction of free trade, when there was an inferior crop, the prices rose; now, if there is an inferior crop, there is no adequate remuneration in price, *Kirk* 4469-4474——The potato failure has made it more difficult for the tenants to pay their rents, *O'Callaghan* 5162-5166——Increase of agrarian outrages since the failure of the potato crop, when the small farmers found it difficult to pay their rents and the landlords commenced evicting, *Brown* 5673.

See also *Abatement of Rent. Agricultural Produce. Capital. Landlord and Tenant*, 1.

Powell, Mr. Particulars relative to the murder of Mr. Powell and of Mr. Maulleverer, *Hamilton* 1578-1593——Details as to the murder of Mr. Powell, the agent of Mr. Quinn, showing how far this murder may be said to have been connected with Ribbonism, *Lennon* 3746-3791. 3830-3854——At the time of the murder of Mr. Powell, Mr. Quinn was taking steps not only to improve the condition of the estate, but also the condition of the tenantry, *ib.* 3994-4006.

See also *Murders.*

Priests. Opinion that the influence of the Ribbon associations over the minds of the peasantry is even more powerful than that of the priests; some of the priests are afraid to interfere in the machinations of the Ribbon societies, *Warburton*, 171, 172.

Proclaimed Districts. Making parties in a proclaimed district liable to be arrested and punished for being out after nightfall without they gave a good account of themselves, would have a very powerful effect, *Warburton* 173, 174——Remarks relative to the power of the Lord Lieutenant to proclaim districts; result of such proclamations; witness considers the law is perfectly abortive; no good is effected, *Major* 2596-2598.

See also *Lord Lieutenant of Ireland. Police.*

Proprietors of Land. Taking a circle of ten miles round Castle Blayney, witness considers that nine-tenths of the land is in the hands of Protestant proprietors; large number of small properties held under the original Cromwellian debentures, *Golding* 1085-1102——The landed proprietors in Armagh are generally tolerably large proprietors, *Kirk* 4404-4408.

See also *Absenteeism. Landlords. Oppression. Ribbonism*, 3. *Rights of Property. Terror. Titles to Land.*

Prosecutions. Opinion that generally prosecutions are not so well got up in Ireland as in England, *Golding* 1208-1219——Witness has heard it assigned as

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Prosecutions—continued.

as a reason for jurors not finding prisoners guilty that the prosecutions have not been properly conducted, but witness cannot say that he has himself observed this to be the case, *Brabazon* 4267-4274——The present system of conducting prosecutions on circuit works well; one permanent counsel goes the circuit, and there is one separate one in each county, *Sir M. Barrington* 4977-4979.

See also *Counsel.* *Crown Prosecutions.* *Evidence.* *Judges.*

Protestant Clergy. See *Clergy.*

Public-Houses. Resolution of the Committee that in the bonds to be entered into on taking out publicans' licenses, it may be made a part of the condition that the party licensed will not knowingly permit any unlawful society to meet in his house or premises, *Rep.* iv——Advantages would result from some stringent regulations as to public-houses, so as to prevent the meeting of the confederacies, *Fitzmaurice* 320-324. 666-669; *Brownrigg* 1259-1262. 1377; *O'Callaghan* 5304, 5305. 5442-5458——Witness does not consider that the publicans are the sole abettors of Ribbonism, though the conspirators make use of the public-houses as being the most convenient places, and the publicans make money by it; they sell passes, *Hamilton* 1624-1631——If publicans could be enlisted to keep unlawful societies from their houses, it would be a great step towards getting rid of the Ribbon lodges, *ib.* 1745-1750——Reasons why, although it is known that Ribbon lodges are held in public-houses and the publicans are at the head of them, the publicans cannot be prosecuted, *Brownrigg* 2196-2207——Witness would not suggest any alteration in the law with respect to the licensing of publicans and the regulation of public-houses, *Major* 2503-2509——General good character of the publicans in Castle Blayney; there are very few unlicensed spirit-houses in the parish, *M'Meel* 3134-3136.——*See* also *Shebeen Houses.*

Public Officers. Witness has known an instance of a person in public employment being connected with the Ribbon Association, *Fitzmaurice* 722.

See also *Intimidation,* 1.

Punishment. Importance of punishment following immediately upon conviction; number of persons transported from the dock at the Special Commission in 1832, *Sir M. Barrington* 4875-4892.

Q.

Qualification of Jurors. Nature of the present qualifications for common juries; *Major* 2258-2261. 2263. 2346. 2380-2386. 2399——Recommendation that the English plan of qualification for jurors by rating be adopted in Ireland; the qualification should be fixed at a 20*l.* or 30*l.* rating to the poor, *ib.* 2267-2281. 2353-2360. 2400-2403. 2489-2494. 2557-2583——One great defect arises from the cess collector being limited to return on his list only persons who have a 10*l.* freehold for counties, or a 15*l.* leasehold qualification, and being necessitated to omit all those who are not thus qualified; example illustrating

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Qualification of Jurors—continued.

trating this evil, *Brabazon* 4180-4199——Opinion that the jurors ought not to be confined to persons who have only leases, such as are mentioned in the Act of Parliament; regard should be had to valuation and occupation, *ib.* 4193-4199——Point at which the valuation might be put, *ib.* 4198. 4203-4209——If tenure and title were thrown overboard in making the jury list, and valuation be the principle upon which it was formed, it would not have the effect of excluding useful men from the jurors' lists, *ib.* 4299-4303. 4306-4317.

See also *Grand Jury.*

Quarter Sessions. Advantage of the legal member of the court of quarter sessions being the chairman, *Major* 2261, 2262.——*See* also *Judges.*

Quinn, Mr. See *Powell,* Mr.

R.

Railway Labourers. Opinion that the Ribbon system is spreading very much through counties where it did not exist before, by means of labourers working on the railroads, and drainage and other public works; many persons have joined the society through fear, *Warburton* 200-203; *Brownrigg* 1345-1352. 1354.——*See* also *Wages.*

Reduction of Rent. Instances in which, after the commission of a great crime, the objects of the confederacy have been partially or altogether conceded; the effect of reductions of rent under such circumstances is a great encouragement of those illegal confederacies, *Fitzmaurice* 331-349; *Golding* 887-894; *Brownrigg* 1990-2004. 2015-2035. 2074-2080——Great reduction of rents in the North of Ireland since 1846, *Fitzmaurice* 748-750——Opinion that a general reduction of rents would not put a stop to these outrages, *Hamilton* 1655, 1656. 1661-1664——The first step towards improving the situation of tenants would be a reduction of rents; the rents have become impossible of payment, *M'Meel* 2946——Estates on which reductions of rent have taken place in the barony of Fews, *Lennon* 3579-3584.

Reductions of rent have taken place in some cases, in others the old rents are kept up; the whole of the rents must eventually be reduced, *Kirk* 4500-4505——Necessity for the reduction of rents in Ireland, *ib.* 4704-4706——The reductions of rent have led to further demands in many cases, *ib.* 4777——The rents have now been reduced to a mere nominal rent, but this has been of no service, as they did not pay before, nor do they pay now; large arrears of rent, *O'Callaghan* 5005-5012——Witness attributes this state of things to a determination, or an expectation, on the part of the people that they are to get the land ultimately for nothing, *ib.* 5013-5019——Reductions of rent which have taken place on the estates of Mr. Jordan and of Mr. O'Callaghan, *Lennon* 5546-5564. 5567.

See also *Rents,* 1. 2. *Threatening Notices.*

Religion. In agrarian outrages there is not the least distinction as regards the religious persuasion of the victims, *Brownrigg* 2005-2007. 2022, 2023. 2043——With regard to ejectments and the treatment of tenants, the landlords do not take any notice of difference of creed, *M'Meel* 2880-2885——Refusal of the

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Religion—continued.

the sacraments of the Church to all parties connected with secret societies, *M'Meel* 3164-3172——There is no ill feeling in witness's neighbourhood arising from differences of religion, *Lennon* 3447-3458.

See also *Agrarian Outrages. Clergy. Ribbonism*, 1. *Roman Catholics.*

RENTS :

1. *Complaints as to the High Rents exacted; this has led to the commission of Outrages.*
2. *Opinions that the Rents are not exorbitantly High; no Reduction would put a stop to Ribbonism.*

1. *Complaints as to the High Rents exacted; this has led to the commission of Outrages:*

Opinion that the rents in the county of Monaghan are very high, *Major* 2640-2652——Evidence as to the high rents in Castle Blayney; the lands are let at the lettings of twenty years ago, when the price of produce was high; a reduction of rent is absolutely necessary, *M'Meel* 2744. 2926-2929. 2962-2966——Witness atttibutes the commission of crime in Castle Blayney to the high rents and the evictions which have taken place in consequence of the parties being unable to pay their rents, *ib.* 2684-2698——It is the general feeling that there should be some tribunal established which would devise a a mode of fixing an equitable rent for the land, either to change every two or three years, or to fluctuate according to the price of agricultural produce, *ib.* 2739. 2943-2945.

Practice of landlords to get as much rent as possible, giving a little back, when it cannot be obtained, as a reduction, *M'Meel* 2930-2933——Some of the agrarian outrages have resulted from the high letting of land, *ib.* 3090, 3091. 3174, 3175——In many cases the rents are so high that with all the efforts, sacrifices, and privations it is impossible to pay them from the produce of the ground, *Lennon* 3253-3256——There have been a great number of cases recently in witness's neighbourhood where property has been transferred from the management of the agents of the property to receivers under the Court of Chancery; instances showing that in many of these cases revaluations have been made by order of the Court and great reductions made in the rents; strong instance of this in a case of glebe property, *ib.* 3257-3350——The rents were all above the new valuation, and were all expected to be paid; before the failure of the potato crop, and the fall in the price of agricultural produce, they were mostly correctly paid, but since that time it has been impossible to pay them correctly, *ib.* 3351-3358.

Average rent of land in the district of Upper Creggan, *Lennon* 3588-3590——Witness's opinion of landlords in general is, that they are fond of charging high rents, or rents which are not easily paid, *ib.* 3622-3626——Grounds for forming the opinion that the question of what is a fair rent is easy to be solved, *ib.* 3964-3975——It is the general custom of the landlords in witness's district to raise the rents; some farms remain unoccupied in consequence of the rents being too high, *ib.* 4077-4138——General complaint among the occupying tenants in Armagh of the high rents for land; opinion that in many cases it is too high, *Kirk* 4396-4403.

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RENTS—continued.

2. *Opinions that the Rents are not exorbitantly High; no Reduction would put a stop to Ribbonism:*

Opinion that Ribbonism is a confederacy against law and Government; the main point at present being with regard to land, but if they were to gain this point it would be applied to any other question that might suit them, *Warburton* 87-90. 154-157. 185-191——Their principal object at the present time is to get rents down; the whole object is against the proprietary of the land, *ib.* 90. 154-157. 185-191——The rents are not exorbitant in the Crossmaglen district, even the fair value is not paid, *Fitzmaurice* 313——No abatement of rent, or any yielding of that kind, would have the effect of stopping the confederacy, *ib.* 314, 315——Witness attributes the cause of the outrages to a combination against the payment of rents, *ib.* 447-469.

Witness does not consider the rents the cause of outrages in Munster, Sir *M. Barrington* 4813—— The rents of the property in the district, where the parties held immediately under the head landlord, were not extravagant; in some cases the rents were high where they held under middlemen, *O'Callaghan* 4996-5001——The rents as at present reduced are as reasonable as they can possibly be made, *ib.* 5034-5043——Witness does not know any estates in the neighbourhood where the rents are well and punctually paid, *ib.* 5162——Opinion that the honest and industrious could pay the reduced rent if they chose, but they look to hold the land for nothing, *ib.* 5254-5262.

See also *Abatement of Rent. Agricultural Produce. Chambre,* Mr. *Competition. Evictions. Farms. Improvements,* 2. *Intimidation,* 2. *Leases. Murders. Newtownhamilton. Oppression. Reduction of Rent. Rights of Property. Small Holdings. Tenant League,* 2. *Tenant Right. Value of Land.*

Revenge. The Ribbon Society does not confine itself to mere arrangements about lands, but extends itself to purposes of revenge, *Brownrigg* 1441.

RIBBONISM:

1. *Evidence as to the Origin and Object of the Ribbon Association.*
2. *System of Management; great Difficulty in getting at the Leaders of the Movement.*
3. *Suggestions for putting a Stop to the Evils of Ribbonism.*

1. *Evidence as to the Origin and Object of the Ribbon Association:*

The origin of Ribbonism was more a sectarian and religious system at first, but now it is aimed at the rights of property, without distinction of creed *Fitzmaurice* 456. 471-492. 498-512——Difficulty of forming an opinion as to the origin of Ribbon societies, *Golding* 853-856; *Hamilton* 1822——There has been an order issued that there should be no outrage for three months; reason given for this order, *Brownrigg* 1305-1309——The present apparent cessation of crime in the disturbed districts is no evidence that the system is wearing out or disappearing; it is only in abeyance, *ib.* 1379, 1380——The Ribbon Society came into existence about 1796, *ib.* 1438——This secret principle

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RIBBONISM—continued.

1. *Evidence as to the Origin and Object of the Ribbon Association*—continued.

ciple of association engrafts itself wherever it has an opportunity of extending its influence, *Brownrigg* 1439, 1440.

The nature of the Ribbon confederacy is, that it is a secret society to carry out particular objects by physical force, and, generally speaking, agrarian, even by murder, if necessary, *Hamilton* 1482–1485——Ribbon societies exist both in the North and South of Ireland; they have the same obligations and the same pass-words, *ib.* 1571. 1900–1907——Difficulty in the way of extending the Ribbon Act to England, although there are a great number of persons in Manchester, Glasgow, and Liverpool connected with the Ribbon system, *ib.* 1668–1670——General class of persons forming these societies, *ib.* 1887–1892.

There is not the same system of combination through the South of Ireland that there is in the North, *Brownrigg* 2008–2014. 2036–2042. 2108–2115——The parties connected with Ribbonism do not frequent chapel or attend any other religious duty; they are bad characters of the lower orders, *M'Meel* 3137–3140; *Lennon* 3630–3637——Ribbon lodges are not held for the purpose of adjudicating in cases of offences against what are considered the rights of tenants; they decide on the death of persons hateful to them, *Lennon* 3515–3517. 3649, 3650——Opinion that there is no definite object intended by the Ribbon Society in reference to the land outrages at all, *ib.* 3731. 3737, 3738——Witness believes Ribbonism to be an extensive combination having pass-words, but he cannot give any evidence about it, *Sir M. Barrington* 4969–4971——The Ribbon confederacy exists to a great extent, and has contributed to cause the feeling in the minds of the people, that they are to get the land ultimately for nothing, *O'Callaghan* 5014–5015——They intimidate any one from meddling with land which they choose to forbid being taken, *ib.* 5016.

2. *System of Management; great Difficulty in getting at the Leaders of the Movement:*

The Ribbon system is managed in the districts by a small working directory, but their workers are very numerous; if this small knot could be broken up it would free the mass of the people from a yoke which they dislike, *Warburton* 150–153. 165–167——Although the prime movers of Ribbonism are well known, it is impossible to obtain legal evidence of the fact; their plans are so well devised and carried out that they baffle all efforts, *Fitzmaurice* 570–603——There is no doubt of the existence of a general central authority from which the district authorities of Ribbonism receive their orders, *ib.* 622–625——Observations as to the station of life and condition of the prime movers of Ribbonism in the Armagh district, *ib.* 712–724.

Witness was sent down by Lord Clarendon to the districts of Armagh, Louth, and Monaghan at the beginning of this year, and has taken various means to inform himself of the state of those districts, and the workings of the Ribbon system in them, *Brownrigg* 1243. 1249–1255——As regards the working of the system, there appears to be a uniformity of action in the various places where witness has attended to its operation, *ib.* 1244——The conspiracy is

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RIBBONISM—continued.

2. *System of Management, &c.*—continued.

carried on in a regular and systematic way; they have their parish masters and their local lodges, and county delegates, *Brownrigg* 1295——There are local heads of the confederation resident in the districts; but the head-quarters are at different places at different times; for instance, at Dublin, Belfast, Liverpool, Glasgow, Manchester, &c., *ib.* 1296——Titles of the different officers of the system, *Hamilton* 1632, 1633.

3. *Suggestions for putting a Stop to the Evils of Ribbonism:*

Provided the landed proprietors would oppose the system and enforce the rights of property, and that the juries could be got to do their duty, the conspiracy would be very shortly done away with, *Fitzmaurice* 399-401. 436——Witness has considered carefully what remedies might be applied, and has drawn up the result of his deliberations; delivers in his suggestions for the suppression of Ribbon societies, *Brownrigg* 1248. 1255-1258——Although it is a very difficult thing to put down illegal societies, witness considers that if the suggestions which he has put forward were adopted it would, at all events, be the first step towards it, *ib.* 1392-1394——The only way to improve the condition of the district would be, first to put down Ribbonism; it is more systematic now than formerly, and is spreading every day; statement of the proceedings of the society as regards beatings and murders, *O'Callaghan* 5170-5185.

See also *Absenteeism. Agrarian Outrages. Antrim. Armagh. Castle Blayney. Confederacies. Crossmaglen. Crown Prosecutions. Disturbances. Evidence. Fairs and Markets. Government,* The. *Illegal Meetings. Intimidation,* 1. 2. *Juries and Jurors,* 2. *Landlord and Tenant,* 1. *Louth. Manchester. Marriages. Martial Law. Monaghan. Munster. Murders. North of Ireland. Occupation of Land. Orange Lodges,* 2. 3. *Party Processions. Pass Words. Perjury. Railway Labourers. Reduction of Rent. Revenge. Roman Catholic Clergy. Roman Catholics. Secret Associations. State of the Country. Subscriptions. Sympathy of the People. Tenant League,* 2. *Tenants. Tenure of Land. Terror. Theatening Notices. Venue. Wages. Witnesses.*

Rights of Property. The ordinary enforcement of the common rights of property exposes persons to peril, so much so, that they have not been scarcely exercised of late at all, *Fitzmaurice* 292-294. 303——Greater firmness and a more steady enforcement of just rights on the part of the landed proprietors would be most desirable, *ib.* 328-330——Although witness since his being stationed at Crossmaglen has taken every means to make public his instructions to assist in the protection of persons enforcing the rights of property, he has had but one application, in the case of Mr. Moore, the successor of the late Mr. Mauleverer, *ib.* 436-441——The rights of ownership, as exercised in England, carry with them a much more stringent power than those exercised in Ireland, *Golding* 927-936.

Opinion that land is the main object of these outrages, wherever they may have happened, in all the counties of Ireland, *Brownrigg* 2044——The strong feeling

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Rights of Property—continued.

feeling upon the land question is not confined to any sect or creed; they all feel the badness of the times, *M'Meel* 3185, 3186——The reign of terror is created for the purpose of preventing landlords using the powers which the law gives them for the recovery of rents and the possession of their lands, *Kirk* 4569-4573——The cause of the crime in the district is the state of the law with regard to land, *Brown* 5666-5672.

See also *Improvements*, 1. *Landlord and Tenant*, 2. *Ribbonism*, 1. 3. *Tenant League*, 1.

Roe, Mr. Particulars relative to the murder of Mr. Roe, *Brownrigg* 2174-2195.

Roman Catholic Clergy. Steps taken by the Roman-catholic clergy to stop the Ribbon proceedings; opinion that the Ribbonmen care very little about their clergy, *Fitzmaurice* 567-569——The Roman-catholic clergy have not exercised a judicious influence in order to soothe the feelings of the people and prevent the outrages which have taken place from time to time, *Golding* 884, 885. 969-1009——An address or document of some kind has been issued by the Roman-catholic Primate of Ireland, cautioning the people against secret societies and the commission of crime, *ib.* 1220-1228——How far any steps have been taken by the Roman-catholic clergy to put down these outrages, *Hamilton* 1908, 1909; *Lennon* 4035-4049.

The Bishops of the Roman-catholic Church have on every occasion taken steps to discountenance and discourage illegal societies, by pastorals and otherwise; these pastorals are published by the clergy from the altars, *M'Meel* 2672-2680. 2889-2892——Pastoral addresses of Dr. Cullen to the clergy of the diocese of Armagh, discountenancing and discouraging secret societies, *ib.* 2893-2896——There is no tax levied on the Roman-catholics for the support of the clergy; any statement that has been made to that effect is untrue, *ib.* 3126-3129.

Reference to a statement made by Mr. Campbell, in Mr. Lennon's house, and in the presence of Mr. Lennon and witness, that he (Mr. Campbell) "would not, as a clergyman, administer sacraments to a man in the extremity of death who he conceived let his land too dear," *O'Callaghan* 5395-5403. 5448, 5449——Witness does not recollect his curate, Mr. Campbell, having stated, in the presence of Mr. O'Callaghan and witness, that he (Mr. Campbell) "would not, as a clergyman, administer sacraments to a man in the extremity of death who he conceived let his land too dear," as has been stated by Mr. O'Callaghan, *Lennon* 5517-5544——Further assertion that this conversation did occur, *O'Callaghan* 5545.

See also *Absolution. Clergy. Emigration. Priests. Ribbonism*, 1.

Roman Catholics. Opinion that Ribbonism is altogether confined to one creed, the Roman-catholics; the Ribbon body will admit no other, *Warburton* 63, 64. 131; *Fitzmaurice* 473-492. 614-616; *Brownrigg* 1396. 1421-1425; *Hamilton* 1599-1600; *M'Meel* 2814, 2815; *O'Callaghan* 5202-5206——

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Feeling existing among the Roman-catholics that they are the owners of the soil; they carry their claims back to the period of the confiscations, *Golding* 877, 878. 904. 1094–1096.

Rules and Regulations. Witness delivers in a copy of the rules and regulations of the United Irish Sons of Freedom, and Sons of the Shamrock, *Hamilton* 1594–1596.

S.

Schoolmasters. As to the parties by whom the threatening notices are prepared, in many instances traces have been discovered in different ways to the national schoolmasters, but there has been no conviction, *Warburton* 65–67.

Secret Associations. Witness has had much opportunity of observing the working of the secret associations in Ireland, *Warburton* 7——They have in general presented a uniformity of character and operation, under a variety of names, such as "Terry Alt," &c., *ib.* 8, 9——Opinion that there is unity of plan in these secret associations in all parts of Ireland where they exist, *ib.* 60–62——Wherever the Ribbon Society exists it is the duty of the Executive Government to use all the means within their power for the purpose of putting it down; all secret societies are injurious to the prosperity of the country, *Lennon* 4050–4057——Existence of various secret societies, at different times, in the county of Armagh, *Kirk* 4369 *et seq.*——All trace of any secret society has long since vanished from the county of Antrim, *ib.* 4373, 4374——The existing state of demoralization is much caused by the working of the secret societies, and by the Tenant League; the "Dundalk Democrat" keeps the country in a blaze, *O'Callaghan* 5262–5266.

See also *Confederacies. Fairs and Markets. "Hearts of Oak" Association. "Hearts of Steel" Association. Pass Words. Ribbonism. Rules and Regulations. Tenants.*

Shebeen Houses. Frequency of meetings being held in unlicensed houses, the shebeen shops; power of the police in putting down these houses, *Hamilton* 1893–1899——Difficulties in the way of putting down the unlicensed houses, the shebeen shops; although a large number of them have been put down lately; suggestions with a view to remedy these difficulties, to improve the licensing system generally, *Brownrigg* 2217–2239.

Small Holdings. The demand for farms, and the high rents, result from the land being in the hands of large proprietors; there is no such thing as a fee simple in land in small portions for sale in Castle Blayney parish, *M'Meel* 2745–2755——There is no such thing as sales in the absolute fee in land in small portions in Armagh, *Kirk* 4532–4535——General size of the holdings in the parish of Newtownhamilton; there are some as small as three or five acres, but not many, *Brown* 5909–5912.

See also *Division of Lands. Farms. Improvements*, 1. *Sub-letting of Land. Tenants.*

South of Ireland. During the time witness has known the South of Ireland it has constantly been subject to periodical disturbances and agrarian outrages, *Sir M. Barrington* 4784, 4785.

See also *Evictions. Munster. North of Ireland.*

Special

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Special Commissions. Details relative to the special commissions held in the circuit at different periods, *Sir M. Barrington* 4789–4803. 4807–4809—— In conducting the special commissions there never was the slightest difficulty in getting jurors to perform their duty, *ib.* 4820, 4821.

See also *Insurrection Act.* *Limerick.* *Trial by Jury.*

Special Juries. Manner in which the special juries should be selected and summoned, they should be excluded from the common cases, *Major* 2341–2344.

See also *Juries and Jurors*, 4.

State of the Country. Notwithstanding the present vigilance the state of the country is such that the renewal of these outrages may at any moment occur, *Warburton* 227–231——There is no doubt that the existence of such conspiracies in any country is an impediment to its progress, civilization, and industry, *Hamilton* 1608——The existence of Ribbonism is utterly inconsistent with the prosperity of the country; where it prevails it should be put down, *M'Meel* 3159–3164.

See also *Armagh.* *Confederacies.* *Emigration.* *Monaghan.*

Stipendiary Magistrates. It is of great importance that there should be a good stipendiary magistrate in every district, *Warburton* 83–86——As a general rule, the stipendiary magistrates and the police are exempt from threatening notices and actual violence; people know that they are paid, and have no alternative but to do their duty, *ib.* 233–240——Importance of bringing the stipendiary magistrates under a more settled system, and to place them under some head, *ib.* 236. 243–258——Powers with which witness was invested when he was sent down to the districts of Armagh, Louth, Monaghan, and Down, *ib.* 257. 262–269——Considerable importance of having an active and intelligent stipendiary magistrate in the disturbed localities, *Brownrigg* 1270. 1378——For the proper administration of criminal law witness would recommend greater care in the selection of stipendiary magistrates, *Sir M. Barrington* 4854–4863.

See also *Identification.* *Information.* *Local Magistrates.*

Sub-letting of Land. There is but little land underlet in Castle Blayney; quality of the land, *M'Meel* 2953–2955——Evils resulting from the practice of subletting land where leases are granted of large tracts of land, *Lennon* 3978–3982——Great disposition of the Irish tenant to have a tenant under him; they are very anxious to sub-let; this is very injurious to the prosperity of the country, *Kirk* 4652; *O'Callaghan* 5030–5033. 5044 *et seq.*——Evidence as to the sub-division and sub-letting on witness's estate; bad state of the cultivation, and miserable state of the cabins built on the holdings; amount of rent paid to the middlemen; new rent paid by the middlemen for the land, *O'Callaghan* 5166, 5167. 5210–5228. 5230–5233——Even supposing a law to be passed which should make these parties the owners of the property out and out, they are are not in a condition to improve the land, and better themselves in their position, *ib.* 5229.

Summoning Jurors. Attempts made by the sheriff bailiff to levy money on the class of persons liable to serve upon juries, but unwilling to do so, *Major*

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Summoning Jurors—continued.

2320—— Objectionable nature of the practice of the sheriff giving out blank summonses for jurors to be filled up by the common bailiff; they should be filled up in every case by the sub-sheriff, *Major* 2320-2324. 2326——The service of the summons should remain as at present; as the law gives the power to fine for non-attendance the service should be distinctly proved, *ib.* 2325—— Frequency of jurors being summoned session after session to serve; necessity for some means being devised for remedying this evil, *ib.* 2583–2586——No possible advantage can result from blank summones for juries being issued, whereas great disadvantages do arise from the practice, *ib.* 2587–2589.

See also *Juries and Jurors.*

Subscriptions. Forced contributions are extensively made throughout the districts for Ribbon purposes, *Warburton* 182–184. 204–206; *Golding* 784–791 ——In the event of a murder being decided on, contributions are levied from members of the society for the purpose of paying the murderers; collection of 250 *l.* in the case of the murder of Mr. Mauleverer, *Fitzmaurice* 727–744 ——Manner in which the contributions are collected from the Ribbonmen for the purpose of a murder being committed, *ib.* 762–764——In all cases of agrarian outrage collections are made or funds furnished by the conspiracy for the defence of the prisoners, *Golding* 1048–1054; *Lennon* 3638–3641 ——Large sums of money have been collected by the confederation, both for the purpose of procuring persons to commit offences and for the defence of persons on trial, *Brownrigg* 1299–1304.——*See* also *Bateson*, Mr.

Sympathy of the People. General sympathy of the people with the Ribbonmen; the Protestants partake of this sympathy; they find it to their interest to do so, *Fitzmaurice* 603-606; *Golding* 1229-1231. 1233; *Brownrigg* 1291–1294 ——Manner in which witness accounts for the sympathy of the Protestants with the parties committing Ribbon outrages, *Golding* 879——How far there exists any feeling of toleration and palliation in favour of the perpetrators of crime; the feeling of excuse pervades all classes, irrespective of creed, *M'Meel* 2821–2828——On the murder of Mr. Bateson witness reprobated the doctrine of sympathy prevailing amongst the people for the perpetrators of the crime, *ib.* 3065-3069——Witness never knew of assistance being withheld in the event of any outrage being committed, *ib.* 3150–3153——Although witness would not say that the people sympathise with the perpetrators of crime, still almost every person condemns the causes which have led to these outrages, *Brown* 5908.

See also *Acquittals. Armagh. Confederacies. Constabulary. Evidence. Intimidation*, 1. *Murders. Petty Jurors.*

T.

Templeton, Lord. Payment of the county cess by Lord Templeton, provided the rent is paid on a certain day by the tenant, otherwise no allowance is made for the county cess, *M'Meel* 2790.—— *See* also *Leases.*

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Tenant League:

1. *Evidence as to the Formation and Objects of the League.*
2. *Increase of Ribbonism resulting from its Operation.*

1. *Evidence as to the Formation and Objects of the League:*

Observations on the subject of the Tenant League; the object of that league is, that the present occupiers shall be owners, subject to a certain quit rent, *Fitzmaurice* 751-760——The object of the Tenant League is to obtain a security for the tenant which he has not at present; witness's opinion is that they are taking a peaceable and constitutional mode of accomplishing this object, *Lennon* 3651-3664——Witnes agrees generally with the objects which the Tenant League has in view, *ib.* 3948-3952——How far it is the principle of the Tenant League to transfer the entire right to the property from the landlord to the tenant; the landlord's right to a fair rent is recognised fully as well as right of control over his property, *ib.* 3956-3963——The operations of the Tenent League do not instigate to the commission of crimes in the North of Ireland, *ib.* 4154-4168——Evidence as to the connexion of Mr. Lennon and his two curates, Mr. Campbell and Mr. Loy, with the Tenant League; witness believes they all three sympathise with workings of the Ribbon Society, though they may not be actually members of it, *O'Callaghan* 5381-5395. 5404-5419——Evidence with respect to the formation, objects, and meetings of the Tenant League Society, *Brown* 5800-5848.

2. *Increase of Ribbonism resulting from its Operation:*

The speeches made at tenant-right meetings are calculated to promote the present disturbances, *Warburton* 137-140——Those who take part in these societies are generally labouring men and the younger sons of farmers, *ib.* 144. 146-149. 192-195——Their meetings are mostly held at public-houses; these houses are a great source of the mischief and the cause of their being able to carry on their proceedings as they do, *ib.* 145. 168-170. 210-212——The increase of Ribbonism is greatly owing to the operation of the Tenant League system, *Fitzmaurice* 470. 563-566——The suppression of the Tenant League would tend to check the committal of outrages, *ib.* 626-630——Even supposing the Tenant League question was settled the Ribbon Society would still continue to exist, *ib.* 634-638. 760, 761.

Previous to the agitation as to tenant right in the county of Monaghan, the people were industrious and contented; the conspiracy fixed itself upon that and entirely changed the character of the people, *Golding* 1233-1238——The Tenant League agitation has no doubt revived the Ribbon system, *Brownrigg* 1394, 1395. 1426-1435——The proceedings of the Tenant League a great incentive to the commission of these outrages, *Hamilton* 1721-1732——Opinion that the Tenant League has not benefited the country, *Kirk* 4778, 4779——The operations of the Tenant League have excited the minds of the people very much; they have increased the opposition to the payment of rent, *O'Callaghan* 5063-5068.

See also *Clergy.* *"Dundalk Democrat" Newspaper.*

Tenant Right. Tenant right prevails throughout the disturbed districts; witness is not aware that tenant right has been less valuable from the changes in the times,

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Tenant Right—continued.

times, *Fitzmaurice* 699–708——The conspiracy is not on foot to defend the rights of tenants, but they want an extension of rights, and in fact to be the owners of their farms, *ib.* 745, 746——Evidence generally upon the subject of tenant right; existence of the right in Monaghan; change which has taken place in the value thereof; proceedings at the tenant-right meetings held in the district, *Golding* 827–852——Formerly tenant right was confined to a certain portion of Ulster; nature of this right as contradistinguished from the tenant right of the League; the League demands a portion of the land, *ib.* 924–926.

How far the custom of tenant right exists in the disturbed districts, *Hamilton* 1868–1871——Tenant right prevails in the district of Castle Blayney, *M'Meel* 2795, 2796. 2914–2919. 3107, 3108——If the tenant got a legal security for the interest that he creates in the soil he would be satisfied; he should be allowed to continue in possession so long as he paid a fair rent, *Lennon* 3945–3947. 3953–3963. 4068–4074——Remarks relative to the working of the tenant-right system; it has been more beneficial to the landlord than to the tenant, and is one great cause of the uneasiness which prevails in the North of Ireland, *Kirk* 4489–4499.

See also *Conacre System. Occupation of Land. Tenure of Land.*

Tenants. The law of secret societies is, that there shall be no change of tenancy on any pretence whatever except as the party has agreed with their code of laws, *Warburton* 185–191——The general condition of the tenantry on large properties is much better than the condition of the tenantry on small estates, *Golding* 1134–1136. 1147–1152——Change of tenancy is more likely to produce outrage than high rent; case which occurred on Lord Cloncurry's estate, *Sir M. Barrington* 4813–4815.

See also *Abatement of Rent. Condition of the People. Cottier Tenants. Farms. Improvements. Landlord and Tenant. Leases. Occupiers. Rents.*

Tenure of Land. It appears to witness that the Ribbon Society are willing to lay hold of anything that may happen to push on their system and their society; the tenure of land is a favourite object of Ribbonism, *Golding* 913–918——Opinion that the offences in the South of Ireland are more connected with the actual tenure of the land than with the amount of rent, *Brownrigg* 2060, 2061——Description of tenure upon which the tenants hold their property in Upper Fews Barony; discontinuance of leases, *Lennon* 3217–3219. 3246.

See also *Condition of the People. Occupation of Land. Titles to Land.*

Terror. Whatever the objects of Ribbonism are, the means are common, namely, bloodshed and terror, wherever it prevails, *Golding* 919–923——The happiness of life is disturbed and interrupted by this system of terror and intimidation being exercised over the owners of property; this will continue till this conspiracy is put down; it is spreading rapidly every day, *O'Callaghan* 5360–

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Terror—continued.

5360-5362. 5379, 5380——This system of terror and intimidation is acted upon to expel the proprietors from their estates, *O'Callaghan* 5377, 5378.

See also *Intimidation*, 2. *Ribbonism.* *Rights of Property.*

Threatening Notices. Whenever notices are served, and the landlords succumb to these notices and abate their rents, it has been a premium to disturbance; witness believes that such cases have happened, *Warburton* 101-105——Suggestion that a jury trying a case of threatening notices should be allowed to impeach the handwriting of the parties who are suspected of writing them; they are of course written in feigned hands; the jury should have an opportunity of comparing them themselves, which is now illegal, *ib.* 106-115——The notices are all written in English; some of them are in very good handwriting, and well spelt, others are very much the reverse, *ib.* 129, 130——Witness has known instances of threatening notices being sent where landlords have caused a valuation to be made of their estates, *ib.* 213, 214——Prevalence of the system of sending threatening notices; remarks upon the practice of sending these notices; there is great method and regularity in this proceeding of the Ribbonmen, *Fitzmaurice* 408-421——Most cases of outrage are preceded either by a threatening notice or a threatening letter; specimens of these letters delivered in; the authors are seldom traced, *Brownrigg* 1310-1320. 1925-1934——Witness has heard and believes that shortly before Mr. Coulter was killed he received a letter of a threatening nature from Mr. Campbell, *O'Callaghan* 5422-5430.

See also *Charlemont*, Lord. *Schoolmasters.* *Stipendiary Magistrates.*

Tipperary. Return of agrarian outrages in the county of Tipperary in 1844, 1845, and in 1850, 1851, *App.* 600, 601.——*See* also *Agrarian Outrages.*

Titles to Land. The power of giving a Parliamentary title is of the greatest value, *Sir M. Barrington* 4937. 4947——The difficulty in making a title is the main cause which prevents the distribution of property in Ireland by sale, *ib.* 4961.——*See* also *Encumbered Estates Commission.* *Leases.*

Transfer of Land. Difficulties in the way of transferring land under the existing law; the transfer is most cruelly expensive; any law giving greater facilities for the transfer of land would be looked upon as a great boon, *Golding* 1103-1105. 1133; *Kirk* 4541-4562. 4716-4729; *Brown* 5678-5686——In the event of such facilities being given, many occupiers would become purchasers, as there is a great anxiety on the part of farmers to become the absolute owners of their farms, *Kirk* 4563-4568——It is very desirable that facilities should be given for the sale and transfer of land; land should be made as free in its sale as money in the funds, *Sir M. Barrington* 4902-4906. 4914-4936.

See also *Titles to Land.*

Travelling. It is customary for gentlemen in the disturbed districts to travel armed, *Fitzmaurice* 403-407. 479-482.

Treatment of the People. Difference in the treatment of the lower orders by the higher classes in England to their general treatment in Ireland; in England the claims of the humbler classes are entertained with more apparent attention and

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Treatment of the People—continued.

and consideration, *Major* 2439-2442——Witness considers the outrages arise from dissatisfaction at the hard treatment sometimes pursued by agents, and landlords, and bailiffs, who are concerned to recover rents, which it is impossible for the people to pay, *Lennon* 3515. 3649, 3650. 3671-3673——There is no doubt that in some districts the tenants are subject to harsh treatment on the part of the landlords or their agents, *Kirk* 4483.

See also *Oppression.*

Trial by Jury. Trial by jury is regarded as a lottery, and not as the instrument of administering justice, *Golding* 960. 965——It would be more salutary to provide some special mode of trial in the disturbed districts, than to deal with the law of trial by jury; the establishment of courts martial in the disturbed districts for the trial of offenders would have a salutary effect, *ib.* 963-968——Evidence showing that where a jury disagree, and an interval of time elapses before a second trial takes place, it enables those who are concerned for the prisoner to get up a case, and meet the case of the Crown on the former occasion, *Hamilton* 1693-1709.——*See* also *Juries and Jurors.*

U.

Under-Tenants. See *Leases. Sub-letting of Land.*

Upper Fews Barony. Evidence generally with respect to the state of the borony of Upper Fews, as regards the cultivation of the barony and the employment of the population, *Lennon* 3209-3215——Improvements which have taken place in the cultivation; great reduction of bog or waste land; the improvements have been entirely carried out by the tenants, *ib.* 3215, 3216. 3243-3245——Witness is not aware of any actual crime having been committed in his district since the murder of Mr. Mauleverer; he has heard that threatening notices have been sent by the Ribbon Society, *ib.* 3627-3630——Decrease in the population of Upper Creggan since 1845; proportion of Roman-catholics to Protestants, *ib.* 3220-3231.——*See* also *Police.*

V.

Value of Land. The facility of emigration to America is tending very much to reduce the price of land in Ireland, *M'Meel* 2941, 2942——The feeling of the people is that the price of land and rents can be regulated by law, and they require that the law should step in to moderate their rents and give them compensation for improvements, *Kirk* 4573-4581——There can be no peace in the country till the existing system is extinguished; it greatly affects the value of landed property, *O'Callaghan* 5421, 5422.

Venue. Resolution of the Committee that the Court of Queen's Bench shall be empowered, on a special application, in any case of an indictment for murder or murderous assault, connected with unlawful confederacy, producing intimidation or undue influence in any county, to order the trial to be had in such other county as may appear more adapted to secure a fair and impartial trial, but under such terms and conditions as may be considered reasonable and just, *Rep.* iv——A change of the venue would be most desirable, so as to have

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Venue—continued.

have the power of trying a case out of the locality in which it occurred, in all cases of agrarian murder, *Warburton* 93, 94. 141–143; *Fitzmaurice* 308–312. 373–379. 529. 656–665. 675–689; *Golding* 803. 958–962; *Hamilton* 1547, 1548. 1618 *et seq.*; *Major* 2299–2319. 2372 *et seq.*; 2523–2533. 2590–2595. 2631–2635; *Brabazon* 4226–4233. 4248–4250. 4304, 4305; *Kirk* 4669–4680; *O'Callaghan* 5296–5299.

It is witness's impression that the majority of the tenant farmers would be glad to see the venue altered; others might oppose it, as under the system of terror they are gainers in the struggle with their landlords, *Fitzmaurice* 422–425——Witness is not aware that the power exists of trying a prisoner charged with an agrarian crime in some other county than that in which the crime was committed, *Golding* 1200–1207——Power at present in existence for changing the venue; it requires a very strong case, *Hamilton* 1719–1721. 1877–1884——At one time witness thought a change of venue might be desirable, but now doubts whether any good result would follow, as the same advantage must be given to the prisoner as to the Crown with respect to changing it, *Brownrigg* 2044–2059. 2116–2134——Witness has never heard any complaints on the part of the people as to the fairness of criminal proceedings; changing the venue might give rise to this suspicion, *ib.* 2166–2170——It would be an improvement of the law, for the purpose of its just administration, to give the Court of Queen's Bench the power of changing the venue, *ib.* 2240–2251.

The power of changing the venue should be placed in the hands of the Attorney-general, *Major* 2393–2397——With regard to changing the venue, witness does not apprehend that a new county might be inoculated with Ribbonism by changing the venue from an infected county, *Brabazon* 4329, 4330——Nor does he consider that the Crown would have any undue advantage over the prisoner, *ib.* 4331–4345——Still, if jurors did their duty, without intimidation, and convictions were obtained in the county, it would have more effect than convictions obtained by a change of venue, *ib.* 4346.

See also *Juries and Jurors*, 2.

W.

Wages. In the event of the proposed reduction of wages, upon the railroads, or great public works, witness has no doubt that the Ribbon Association would interfere to prevent it, *Fitzmaurice* 765–768—— Evidence relative to the employments of labour, and the rate of wages in witness's district, *Lennon* 3563–3578——The people are entirely dependent on what they earn as day labourers; rate of wage, *O'Callaghan* 5234–5237.

See also *Cottier Tenants.* *Improvements*, 1.

Warburton, Captain *Bartholomew.* (Analysis of his Evidence.)—Has served as a magistrate in Ireland for upwards of twenty-eight years; is at the present time a stipendiary magistrate, 1–6——Has had much opportunity during this period of observing the working of the secret associations in Ireland, 7——They have in general presented a uniformity of character and operation, under a variety of

Report, 1852—*continued.*

Warburton, Captain *Bartholomew.* (Analysis of his Evidence)—*continued.*

of names, such as "Terry Alt," &c., 8, 9——Witness was sent into the districts of Armagh, Monaghan, and Louth, in January of this year, by Lord Clarendon's government, in his capacity of stipendiary magistrate; took up his residence at Fork Hill, Armagh, 10–14.

Great attention witness gave to the subject, in order to ascertain the state and condition of the district, 15–19——Witness found the district in a most disorganized state, 20———A more decided system of intimidation was carried on than witness has ever before witnessed, 20–23———Impossibility of getting any evidence so as to bring home a prosecution, or to institute a prosecution of the secret societies, 20———There is a regular sworn system among the people to obey the agrarian code of laws which they have established for themselves, 21–28———The effect of all this is to produce a connivance with crime and criminals, 26–28———And to obstruct the course of justice; the parties are so watched they are afraid to speak the truth, and the most awful perjury is committed; it is a regular confederacy, 26–28———Instance of the inquiry respecting the conspiracy to shoot Mr. Champré in support of the foregoing assertions, 29–39. 42–48. 71–74.

Witness is of opinion that when he went to the district of Armagh there was a sympathy towards the perpetrators of the outrages and conspirators in general in that neighbourhood, 40, 41——Witness has known of cases of persons who have been beaten or waylaid declining afterwards to prosecute; particulars of one of these cases, 49–53———It is decidedly more difficult now, to get private information, so as to be able to make use of it, 54, 55——Impossibility of bringing any of the persons connected with these confederacies to justice, 56——The intimidation extends generally to all classes, 58, 59. 71–81.

Opinion that there is unity of plan in these secrect associations in all parts of Ireland where they exist, 60–62——None but Roman-catholics are admitted into these associations, 63, 64. 131———As to the parties by whom these notices are prepared, in many instances traces have been discovered in different ways to the national schoolmasters; but there has been no conviction, 65–67——The existnece of this confederacy is totally inconsistent with the peace and progress of the country; the confederacy appears to have its own code of laws, 68–70. 196, 197——Local magistrates are subject to more peril than paid or stipendiary magistrates, 71–77———Great indisposition on the part of jurors to serve, through fear, 78–82.

Importance of there being a good stipendiary magistrate in every district, 83–86——Witness has not been able to form any judgment as to the exact object of these confederacies, 87——Opinion that it is a confederacy against law and government, 87–90. 154–157. 185–191——Their principal object at the present time is to get rents down; the whole object is against the proprietary of the land, 90. 132–136. 154–157. 185–191——Suggestions with a view of remedying the existing difficulties, 91 *et seq.*——Defective manner in which juries are now formed, 91, 92——Where intimidation prevails to any great extent, it would be desirable to change the venue, that is, to have the trial in some locality where the jury would be relieved from that intimidation, 93, 94. 141–143.

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Report, 1852—*continued.*

Warburton, Captain *Bartholomew.* (Analysis of his Evidence)—*continued.*

Greater difficulty in getting evidence of the existence of a confederacy since the change in the law about the possession of pass-words, 95——It would be advisable to restore the law as it stood before, as far as restoring the words of the Ribbon Act and the pass-words are concerned, 96——Witness has reason to believe that branches of this confederacy exist to a great extent in Manchester and Liverpool, 97. 126-128. 158-164——The ulterior object of the confederacy is to get rid of all that is respectable in the country, to produce anarchy and confusion, and to transfer property from one class to another, 98-100——Whenever notices are served, and the landlords such cumb to these notices and abate their rents, it is a premium to disturbance, 101-105.

Suggestion that a jury trying a case of threatening notices should be allowed to impeach the handwriting of the parties who are suspected of writing them; they are, of course, written in feigned hands; the jury should have an opportunity of comparing them themselves, which is now illegal, 106-115——The confidence in impunity from crime, from the difficulty of getting evidence, encourages confederacy very much, 116——There is a very active constabulary in the Armagh district at the present time, 117——The people do not consider it any crime to commit perjury in these cases, 121-123.

The notices are all written in English; some of them are in very good handwriting and well spelt; others are very much the reverse, 129, 130——The speeches made at tenant-right meetings are calculated to promote the present disturbances, 137-140——Those who take part in these societies are generally labouring men and the younger sons of farmers, 144. 146-149. 192-195——Their meetings are mostly held at public-houses; these houses are a great source of the mischief, and the cause of their being able to carry on their proceedings as they do, 145. 168-170. 210-212——The Ribbon system is managed in the districts by a small working directory, but their workers are very numerous; if this small knot could be broken up, it would free the mass of the people from a yoke which they dislike, 150-153. 165-167.

The influence of the Ribbon associations over the minds of the peasantry is even more powerful than that of the priests; some of the priests are afraid to interfere in the machinations of the Ribbon societies, 171, 172——Making parties in a proclaimed district liable to be arrested and punished for being out after nightfall, without they gave a good account of themselves, would have a very powerful effect, 173, 174——Present powers of the police as to visiting houses and searching for arms, 175-181——Forced contributions are extensively made throughout the districts for Ribbon purposes, 182-184. 204-206.

The law of these secret societies is, that there shall be no change of tenancy on any pretence whatever, except as the party has agreed with their code of laws, 185-191——The facility of escape by going to America has increased the number of agrarian outrages in the country, 198, 199——The railway labourers have helped to introduce the system into the districts where they are working, 200-203——Way in which Government informers are

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Warburton, Captain *Bartholomew*. (Analysis of his Evidence)—*continued.*

are obliged to be treated after they have done their work, 207–209——Witness has known instances of threatening notices being sent where landlords have caused a valuation to be made of their estates, 213, 214——Threatening notice sent to Lord Charlemont, 215–224.

Letters passing through the different post-offices are tampered with through the agency of the Ribbon Society, 225, 226——Notwithstanding the present vigilance, the state of the country is such that the renewal of these outrages may at any moment occur, 227–231——As a general rule, the stipendiary magistrates and the police are exempt from threatening notices and actual violence; people know that they are paid, and have no alternative but to do their duty, 233–240——Great importance of bringing the stipendiary magistrates under a more settled system, 236. 243–258——Powers with which witness was invested when he was sent down to the districts of Armagh, Louth, Monaghan, and Down, 257. 262–269——Identification is one of the principal things that are conducted by the stipendiary magistrates, 259, 260——The evidence is generally, but not always, circumstantial, 261.

Whiteboys. Remarks relative to the confederacy called "Whiteboys," about 1788 or 1790; it began in the south and extended to the north, and continued till the question of tithes was settled by Mr. Goulburn's Act making it a rentcharge, *Kirk* 4375, 4376——Suggestion that the whole of the Whiteboy Acts should be consolidated, and the punishment of death abolished, except in cases of murder, *Sir M. Barrington* 4871–4874——Necessity for the consolidation of the Whiteboy Acts being carried out immediately, *ib.* 4893–4901.

Witnesses. Witnesses are intimidated from giving their evidence from the fear of injury to themselves, *Hamilton* 1546——It is absolutely necessary for the Government to protect and provide for the safety of the witnesses both before and after trial, *Brownrigg* 1939–1944.

See also *Evidence.* *Intimidation*, 1. *Perjury.*